Volume VII Number 1

MISSISSIPPI LAW JOURNAL

OCTOBER, 1934

PUBLISHED BY
UNIVERSITY OF MISSISSIPPI LAW SCHOOL
AND
MISSISSIPPI STATE BAR

Proceedings
OF THE
Twenty-Ninth Annual Meeting
OF THE
MISSISSIPPI STATE BAR

Entered as second class matter at the Post Office at University Mississippi, with additional entry at the Post Office at Jackson, Tennessee

$3.00 PER ANNUM . . . . . 75 CENTS PER NUMBER

Editorial and Business Office . . . UNIVERSITY, MISS.

MISSISSIPPI LAW JOURNAL

JOURNAL *of the* MISSISSIPPI STATE BAR

VOL. VII OCTOBER, 1934 No. 1

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OF THE

MISSISSIPPI STATE BAR

HELD AT

HATTIESBURG, MISSISSIPPI, SEPTEMBER 6-7, 1934

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SUBSCRIPTION PRICE

$3.00 PER ANNUM 75 CENTS PER NUMBER

Editorial and Business Office . . UNIVERSITY, MISS.

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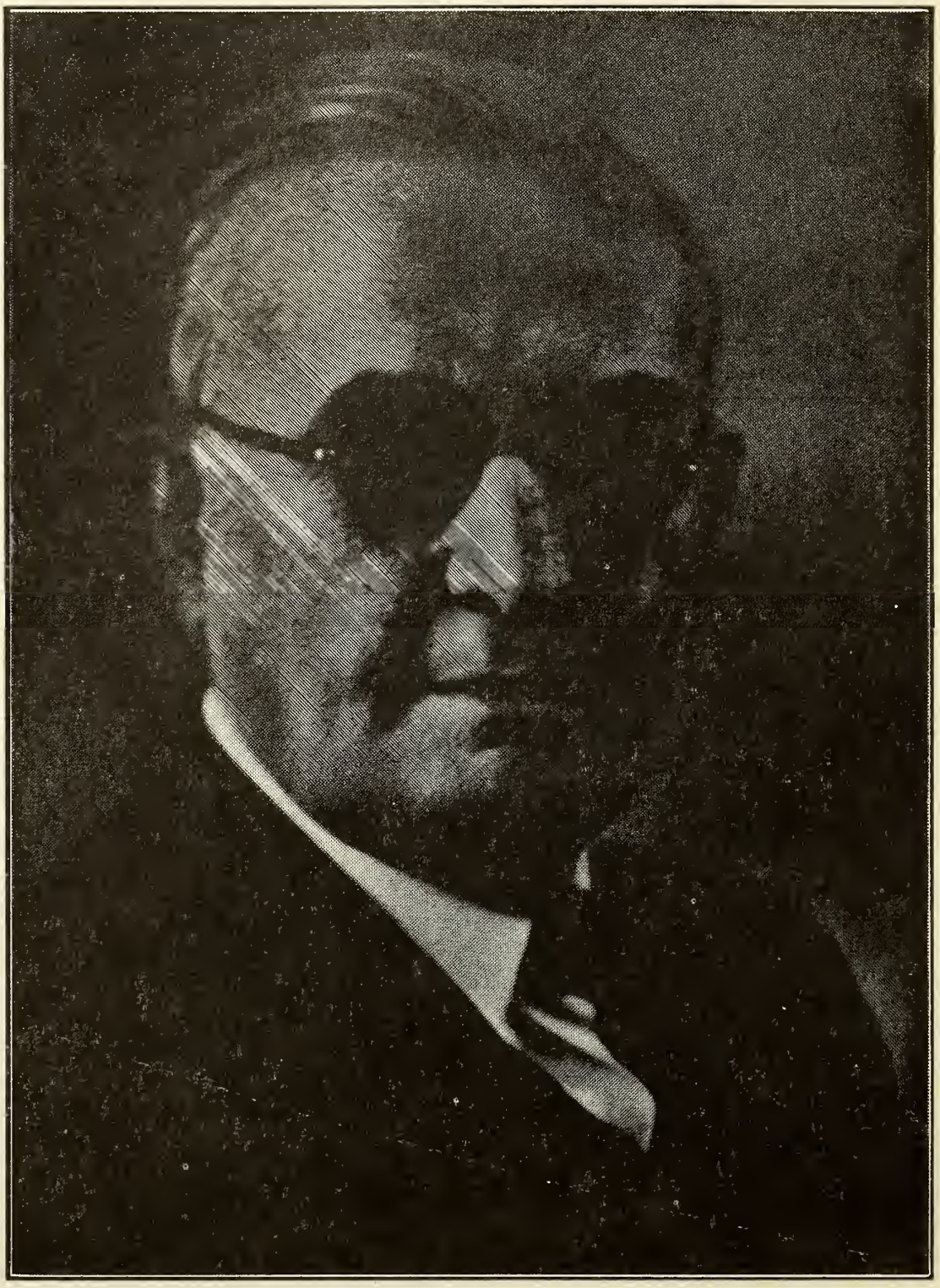

JUDGE J. H. PRICE

Retiring President Mississippi State Bar

MISSISSIPPI LAW JOURNAL

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VOL. VII OCTOBER, 1934 No. 1

STATEMENT OF THE NEW PRESIDENT OF THE STATE BAR

TO THE MEMBERS OF THE MISSISSIPPI STATE BAR:

By the courtesy of the editors of the Mississippi Law Journal I am privileged to address this communication to you.

It is my sincere desire that the Mississippi State Bar shall be truly representative of the entire bar of the state in its work.

In the past, entirely too few members have been interested in or have taken any part in the work of the Association.

Constructive measures under consideration by the bar should be presented from varying standpoints and time should be had at the annual meeting for open, frank, full discussion of such measures.

The views presented should not represent one group of the Association.

The work of the Mississippi State Bar should be carried on by the membership throughout the state and not merely by those lawyers living in the cities or by those representing chiefly corporate interests.

The humblest or youngest member of the bar should feel at home at the annual meetings, and feel perfectly free to speak up and to be heard on these various measures being there considered.

The entertainment provided at the place of meeting should be varied and not solely for one group, but should be such as will be enjoyed by all members in attendance.

I am sure that the reception committe of the bar and the good people of Natchez, at which place the next convention will be held, will heartily cooperate in providing entertainment as hereinabove outlined.

In order that interest may be aroused amongst all the lawyers of the state, it is my purpose, with the cooperation of the Commissioners representing the various Circuit Court Districts, to have in each district before the next annual meeting, a gathering of some sort, preferably a dinner, which all the members of the bar of that district will be urged to attend, and there to have full and free discussion of the operation and work of the Mississippi State Bar.

I crave and expect the hearty cooperation of the entire bar of the State of Mississippi.

I am deeply appreciative of the honor conferred upon me in being chosen as your President for the coming year. I trust that with your assistance much may be accomplished for the good of the bar of the state during my incumbency.

Sincerely yours,
W. Calvin Wells,
President Mississippi State Bar

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PROCEEDINGS

OF

MISSISSIPPI STATE BAR

HELD AT

HATTIESBURG, MISSISSIPPI

September 6th and 7th

1934

PROCEEDINGS OF THE TWENTY-NINTH ANNUAL MEETING OF THE

MISSISSIPPI STATE BAR

HELD IN THE CITY OF HATTIESBURG, MISSISSIPPI, ON THE 6th AND 7th OF SEPTEMBER, 1934

The President (JUDGE J. H. PRICE) called the meeting to order.

The Secretary (MR. WALTER W. CAPERS): Ladies and Gentlemen of the Mississippi State Bar, and of Mississippi, before these proceedings start, as Secretary and Treasurer of the State Bar, I wish to express the whole-hearted appreciation of the Bar to Station WPFB for so kindly volunteering to broadcast this Annual Meeting in Hattiesburg. Through their kindness it will enable all of the people of Mississippi to be with us. (Applause.)

THE PRESIDENT: Ladies and Gentlemen, Gentlemen of the State Bar, I congratulate you upon the year that has passed, and the accomplishments of the Bar during the last twelve months.

I will ask Brother McIntosh, of the Presbyterian Church to deliver the invocation. We will please stand. (Standing.)

REV. W. H. McINTOSH: Almighty God, our Father, Thou maker and ruler of the earth and all men, command Thou Thy blessings upon this assembly of Thy servants. Put round about them the care which Thou dost take of those whom Thou dost call for special service. Protect their homes and their loved ones while they are away from them. Guide and direct them in their deliberations here; may no untoward word, or thought or deed, mar the harmony or usefulness of their labors. Grant Thou to each of these Thy servants, and all their fellows in the profession of this State, that high and exalted conception of Thee and of Thy revelation of Thyself in all earth, and true laws find their origin and end in the God who made them. Command Thou Thy blessing upon us all in the forgiveness of our sins; keep us in the way everlasting; we ask in Jesus' Holy Name, Amen.

THE PRESIDENT: I have the pleasure of introducing to you this morning, Hon. W. S. F. Tatum, the Mayor of the City of Hattiesburg who will deliver the Welcome Address on the part of the City of Hattiesburg. (Applause.)

MAYOR TATUM: Before beginning my regular address to you I want to say that there are several periods in my life. This is my birthday month, and when I reach the 17th I will pass over into my 77th year. My mother having died when I was not quite five years, my life has been divided into periods of seventy-one years without a mother, and sixty-one years of business life, my business career having begun in

January after I was fifteen years old. Then, I have had the pleasure of fifty-three years of married life. So you see these periods mean something when I am called to speak to you. Some days ago we were in North Carolina, and on our trip, which we made by automobile, having met my wife's eldest brother's daughter, one of her favorite nieces at Meridian, we passed on to Livingston, and took an eastern course to Montgomery, and at lunch time, just as we passed through Demopolis, Alabama, we ate our lunch under the same pecan tree, as we did two years ago. So you see, these events in life occur and recur. I just spoke to Brother McIntosh, this morning, about our having the same place in this gathering that we did before the Federated Clubs which met in Hattiesburg some months ago.

So, Mr. President, and Members of the Mississippi Bar, distinguished guests, visiting ladies and others present, it is with a great deal of pleasure on behalf of the Citizens of Hattiesburg that we welcome you to our City. We wish for you a pleasant stay among us and a harmonious and satisfactory session.

No doubt you have already seen on the fourth page of the Hattiesburg American the welcome from the various organizations of our city, and the expressed desire that you seek an opportunity to visit some of our newest achievements; and may I emphasize the fact that we will be glad to show you the best water works system South of Memphis, Tennessee, and also we will be glad to show you our new swimming pool, lake, park and driveways all combined.

We feel that your organization is next to the foremost organization of our State, and when we come to consider the influence that you have with and the impress you may make upon the people of our State, we are disposed to reckon as follows:

We look upon the clergy of our State as the organization that deals with the spiritual interests of the people. We look upon the Sunday School teachers of our country as having to do with the spiritual interests. We consider the school teachers of our land as quite a factor in the makeup of the citizenship of our country, but when we come to think of our legal fraternities and the work that our lawyers have to do with the makeup of the sentiment of our country, we are bound to concede that those who have control of the legislative interests of our state and have control of the administration of our laws are one of the most important factors of our land.

Let us, for instance, follow a case in court; the lawyer has the training of the client and witnesses in the consultation room; he has the training of his client and witnesses in the witness room; he has the handling of the witnesses in the courtroom, and the effects of this is almost entirely in the hands of the lawyer. Think for a moment of the condition in our state today.

Let us glance at another feature of the situation. In recent years the banking interests have had to clean house and charge out their bonds and securities that have matured and have not been paid. May we ask if it is time that the legal fraternity take a look at their bond schedule, and should they find any need, why not have the house cleaning?

Inasmuch as the lawyers of our state have in their hands to pass such laws as they see for the best interests of the state, may we call attention

to the industrial interests of our state and suggest that your body take into consideration the enactment of a reasonable compensation law. One very important matter that should be handled is that of separating the duties of those who have the matter of enforcement of our criminal statutes entirely from the duties of the regular practitioner.

Will you please pardon these suggestions?

Again we would give you a hearty welcome and wish you peace and happiness while here, and we hope that there may be left within you a desire to return. (Applause.)

THE PRESIDENT: Thank you, Mr. Tatum.

I now have the pleasure of introducing to you Senator Paul B. Johnson, who will deliver the address of welcome on behalf of the Forrest County Bar Association. (Applause.)

SENATOR JOHNSON: Mr. President, Members of the Mississippi Bar of the State of Mississippi, ladies and gentlemen, speaking for the Bar Association of Forrest County, I have great pleasure in extending to you a very cordial reception here today and I assure to you the unalloyed hospitality of the finest people in Forrest County. We are all happy in the planning of circumstances that bring us together, and I am sure that we are going to have a good time. Hattiesburg bar is not the largest in the state, but we have great pride in the accomplishment of many of our members. Their names adorn the pages of the history of the legal profession in Mississippi, and we take great pride in the good feeling that exists among the local bar. There are no petty jealousies with us; we do not reduce our agreements to writing; a verbal agreement is good in our bar.

My friends, the City of Hattiesburg cannot boast of the historical places of interest as can the grand city of Vicksburg, where we were so royally entertained last year, nor can we take you along the scenic highways with its hanging moss, and to the historical places of interest as can the beautiful city of Biloxi, the Riviera of America; but here in the piney woods, the pioneer spirit of a great Forrest County lawyer, a member of our bar, a great lawyer, a great builder, conceived the idea of the building of a fine city, and with the indomitable spirit of that great man, undaunted courage of him and his associates, and those who came along with him, we have built what we conceive to be the finest city in the State—a city of twenty thousand happy people, a city that delights to entertain and to honor those whom honor is due, a Convention City, with few conventionalities. It is a great honor, and we deem it a great privilege to be permitted to entertain the Bar Association.

The lawyer writes every law—we wish the people really understood the lawyer as he is—he writes the law; he interprets the law; he either enforces the law or he obstructs the law. The good lawyer believes in good government; he believes in good citizenship; and one is indispensable to the other.

I do not believe there ever was a time in the history of the country when there was such a challenge offered to the legal profession as today. Emergencies have made such inroads on our constitution that it behooves the best thought of the legal fraternity to accept that challenge to the end that constitutional government be preserved in America.

I believe in the lawyer; no civilized government can endure without the lawyer; no great industry can carry on without the lawyer, no business without his counsel. He it is who goes to the sick room and writes the last will and testament; he it is who executes that sacred trust. The lawyer carries the secret of his client in his heart and mind. So jealous is he of this sacred trust confided to him that rather than violate that sacred trust he will go to jail, and when the lawyer has done his full duty by his client, when he has done what he conceives to be his legitimate duty, he has done all that the law and good morals require of him. When he goes further he contributes to his own moral decay, and if you will show me a lawyer who has spent his time and talent trying to blot out, obliterate the line between right and wrong, trying to prove that wrong is right, I will show you a lawyer who deteriorates in character as the years go by, and sooner or later will be despised and rejected by men. (Applause.)

But show me a lawyer who tries to learn the truth of his case, and to follow wherever the truth leads, and I will show you a lawyer who grows richer and riper in character as the years go by, and who, in his declining years, will be more valuable as a counsellor to his client.

My friends, I wish to see the lawyer take the lead, as he nearly always has; I want to see him set his house in order. There has been much criticism of the legal profession, as well as the other great professions of the country. I want to see correction made. It is no excuse for us that others are culpable; we should correct our own profession.

Now, my friends, the Bar Association is performing a great function. It has contributed to many reformations and is today sponsoring others. We know that we are going to profit from this meeting. We are happy in being brought together in social intercourse from which we derive so much pleasure and so much good. We are glad that you are here. We have looked forward with anticipated pleasure to your coming. And now that you are with us we want you to enjoy yourselves; we want you to be happy in the anticipated freedom of a holiday. We want you to have a good time and feel that you are in the hands of your friends.

Ladies and gentlemen of the Mississippi Bar, on behalf of the local bar, I extend to you the most cordial greetings and bid you be welcome. (Applause.)

THE PRESIDENT: Ladies and gentlemen, in behalf of the Mississippi Bar and visiting ladies, Mr. J. W. Dulaney will respond to the address of welcome.

MR. DULANEY: Mr. President, ladies and gentlemen, on behalf of the Mississippi State Bar,—and I am pleased to note from the wording of the program that on this occasion I number the visiting ladies as my clients —I wish to express my appreciation to these gentlemen for the kind words of welcome they have spoken.

Mayor Tatum, we congratulate you on your approaching birthday, and we hope that if it shall be our privilege to meet again in your city, you will not have changed your good opinion of our profession, and you will be here to welcome us again.

Judge Johnson, we can well believe the good things you have said of your city and county. We hope that the people of your city and county, when we shall have left, will be able to believe the good things you have said about the Mississippi State Bar.

I recently read a magazine article with the rather startling caption "Will Civilization Collapse?" I like to think that perhaps civilization began whenever and wherever it was; that the people of a village first assembled to speak words of welcome to visitors from a neighboring village; and I like to believe that howevermuch civilization may change, it will endure and cannot collapse so long as such words are spoken.

We are here to renew acquaintances, to mingle with friends. I am sure the reference must have been made at prior bar meetings, but it is apt; if so, it will bear repetition: the old idea of the north heaven, where the warriors fought all day, and tore each other limb from limb and then met in the evening to feast and enjoy themselves—their comradeship, and talk over the fight. I think that well applies to the life of the lawyer, and to the annual meetings of this association. We are here to learn from each other. One of the beauties about the legal profession is, I think, that even the humblest member has made some research on some point or field of law and knows more about it, perhaps, than any of his fellows, and it is a great deal more pleasant to learn points of law from your brother lawyer than in a court room. We are here to take counsel together as to how we can best serve the people of Mississippi.

On behalf of the bar and visiting ladies we certainly appreciate the kind words you have spoken, and we know that this is going to be a very enjoyable and profitable occasion. I thank you. (Applause.)

MR. CAPERS: The gracious ladies of Hattiesburg have provided a musical program for the entertainment of the Body, and just here we will have a violin solo by Mrs. Ben Stevens, and she will be accompanied by Miss Amelia Massingale. (Applause.)

MRS. STEVENS: I shall play for you *Gypsy Melody* by Dvorak. (Applause.)

MR. CAPERS: I want to thank you on behalf of all of us for your sweet and lovely music; I am sure that each and every one of us has enjoyed it very much.

The next number will be a vocal solo by Mrs. Paul B. Johnson, she will also be accompanied by Miss Massingale.

MRS. JOHNSON: The number I have selected is *In the Luxembourg Gardens* by Kathleen Manning. (Applause.)

THE PRESIDENT: The next item on the program is the important feature of the morning session. I want to inquire if Senator Stephens is in the room. Senator, I wish you would come forward to the platform. My friends, I have just learned that the speaker of the occasion, Judge Bryan, and Senator Stephens were comrades in arms, members of the congress, great friends, and I think it very fitting that he introduce the speaker of the morning.

(Senator Stephens on the platform)

SENATOR STEPHENS: Mr. President, members of the Association, ladies and gentlemen, I feel greatly honored in being requested to introduce the distinguished visitor from a sister state. It is a great privilege, and it affords me pleasure.

On March 4th, 1911 this gentleman became a member of the Senate of the United States. On that same day I became a member of the house. We served in the Congress together for six years. I want to say, my friends, that this gentleman has rendered service, splendid service—in two

of the great branches of our government: the legislative and the judicial. During his term of service in the Senate he made a splendid impression upon the other members of that great body. He was recognized as a man who was industrious, who was earnest, who was zealous in his effort to serve the people of his State and of the Nation. He was recognized as a man of strong ability, splendid character, a man of substance. He left large imprint upon the legislation of that time. He is now remembered, and splendidly remembered, by those who knew him during that period of service, because of his worth as a man, his strong patriotic sentiments, his ability as a lawyer. That great American citizen, that democrat, Woodrow Wilson, advanced him (applause) to the other department, the judicial department. My friends, certain essentials are required to make a great jurist, among them are these: that a man must have clean hands, a pure heart, an exalted soul. Of course, legal ability is required. A desire to see that one of the foundation stones of our great nation is carried out, that is, that justice be established, must also be a controlling motive with him. Great legal learning is required, I say; to become a great jurist he must be able to catch the soul of the law, to imbibe its spirit, to master its intent, to comprehend its reasoning, to apprehend and appreciate its fine distinctions. Often an obscure passage must be made clear; a retiring principle must be hunted down, hidden meaning must be uncovered. One who possesses this ability, this desire to establish justice, and applies himself assiduously to his work will make a great jurist.

Ladies and gentlemen, I shall now present to you one who in the halls of legislature, one who sitting upon the Bench, Senior Judge of the Circuit Court of Appeals, has measured up in every way, and in the highest way to these requirements. I now take great pleasure, my friends, in introducing to you my long time friend, Judge Nathan P. Bryan, of Florida. (Applause—assembly rises.)

JUDGE BRYAN: Senator Stephens, members of Mississippi State Bar, ladies and gentlemen, it is just a little unfair to surprise me with an introduction like this. I do not imagine to myself that I deserve it, but it makes up in the long run for others that you do not deserve. I also have many pleasant recollections of my stay in Washington. I knew all of the Senators and Representatives from Mississippi; the only sad thing to say about it is that as time goes on they change. I am glad to see, however, that the Senator is still there, working as he did in the old days for the benefit of his people. (Applause.)

ADDRESS OF JUDGE NATHAN P. BRYAN
THE MISSION OF THE STATE BAR ASSOCIATION

It is a real pleasure to me to have an opportunity to attend an annual meeting of the Mississippi State Bar. I come among you not as a casual stranger might, but with the friendly interest of a close neighbor, and in some degree as a participant in your aims, purposes and problems. Now that I am here I realize more than ever how difficult it is for a judge, especially of an appellate court, who is not supposed to speak much in public, or at all upon any live controversial subject, to entertain an audience largely made up as this is of lawyers; but I have had experience enough to know that not much is expected of judges on occasions like this, and that they take themselves too seriously if they think otherwise.

The citizen looks to the State for the laws under which he must live; the State enacts such laws as it considers necessary or advisable, and then holds the legal profession, judge and lawyer alike, responsible for the manner and way in which those laws are administered by the courts. State Bar Associations, established to meet this great responsibility, have long since passed the experimental stage; they are now everywhere recognized as essential agencies in the administration of justice. They are needed now more than ever have been before, and will be needed still more as our population increases and our civilization becomes more complex. They are the instrumentalities through which influence may properly be brought to bear upon the State to supply the necessary machinery of justice as well as just and fair laws to be administered. They may rightfully be held responsible for the difficult task the general public expects them to perform if they be given the necessary power, but not otherwise. They ought to have, except within such narrow limits as will afford protection against arbitrary action and abuse of power, the right to say who shall practice law, to the end that the unworthy, unqualified and incompetent may be kept out of the profession. Dishonest, uncrupulous lawyers, if by chance they get in, may be put out; but the merely incompetent once in stay in to the disadvantage and cost of their unsuspecting and uninformed clients, and to the infinite harm of the profession itself. Granted that in the past, when educational institutions, and especially law schools, were scarce and expensive, there have been eminent lawyers who were self-educated, yet in this day and time there is little excuse for experimenting with the uneducated and untrained lawyer. All the States now have their first-class colleges or universities where education both academic and legal may be had at an expense so moderate as to be within the reach of even the student who has to support himself. I submit to you whether the time has not come when a degree from an accredited standard law school should be a prerequisite to a license to practice law. Education certainly cannot injure the man who would be a genius without it. Reputable law schools such as we have in our State Universities and many private institutions are exceedingly careful to give their certificates of approval only to young men whom they know to be conscientious as well as capable. This is not a lecture, but if I may I should like to suggest to the young lawyer that if he will live by the Golden Rule, and when in doubt about the propriety of doing or not doing any given thing connected with his practice, "don't do it," he need not worry much about codes of ethics. And to the older lawyer, experienced in the practice, this: Be kind to the youngster, take time off to give him good advice, lend him a helping hand. It is all right to hold the young lawyer strictly up to the best traditions of the profession, but he can not fairly be expected to accept discipline with good grace if he does nothing more out of place than do the older, successful and leading members of the Bar.

Bar Associations are able to exert great and as a general rule controlling influence in the selection of judges; not so much affirmatively as by the elimination of candidates who in the public interest ought not to be chosen. This influence they have whether the choice be made by appointment or election by the people, though in the latter case their task is much more difficult and delicate. The selection of judges

at the ballot box is wrong in principle. It ought not to be possible to punish judges because their decisions, though just, do not always meet with popular approval. It is no reflection upon the average voter to say that he is not, and in the nature of things cannot be, well enough informed to pass intelligently upon the fitness or qualifications of candidates for important judicial positions. If the popular election of judges proves to be satisfactory, as happily it often does, it is not because of but in spite of the system; it is because the thoughtful layman in making his choice acts upon the advice of his lawyer friend, and because usually the judge however selected does his level best to measure up to the duties and responsibilities of his office.

Co-operation of bench and bar, which we hear so much about, but which after all is essential, can the more successfully be attained and made effectual through the medium of the Bar Association. By such concert of action any evils that creep into the practice may be corrected, and the many routine but important methods of procedure improved.

Justice long delayed is justice denied. The law's delay always has been and still is the subject of more severe adverse criticism in the press and in common speech than all else connected with the administration of justice combined. It results in unnecessary additional cost of litigation, in the partial or total defeat of many just causes of complaint and defense, and, worst of all, in impaired public confidence in the capacity or the will of the courts to do justice. That its evils be remedied and that cases be disposed of with reasonable promptness is the constant and imperative demand of society upon the legal profession. I understand the courts of Mississippi are fairly up with their work. I congratulate the bench and the bar and the State that this is so. In many States, it may safely be said, the situation unfortunately is far otherwise. In recent years there has been a persistent and determined effort to prevent delay in the federal courts. The Supreme Court since the Act of 1925 controls the number of cases it will hear by granting or denying writs of certiorari. It selects, out of the multitude of applications for certiorari, the cases it considers the most important, which so far have not been more than it has been able to dispose of promptly. By an Act of Congress passed in 1922, it is made the duty of the Chief Justice to hold annually in September a conference with the senior circuit judges of the ten judicial circuits. Each senior circuit judge is under the duty "to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved." The district judges are required on or before the first day of August of each year to prepare and submit reports setting forth the condition of business in their respective districts, "including the number and character of cases on the docket, the business in arrears, and cases disposed of, * * * together with recommendations as to the need of additional judicial assistance for the disposal of business for the year ensuing." The Chief Justice and members of the Conference or Judicial Council, who meet annually as required by the Act, acquire fairly accurate knowledge of the work that is being done in the inferior federal courts. We know what courts are keeping up with their work and which ones are falling behind. Since I have been attending its sessions, a number of additional district judges have been provided by

Congress on the reccommendation of the Conference. Our principal task, however, has been to provide help for the heavier districts by calling upon judges of the less burdened districts in the several circuits. Without exception the courts of appeals for the last two or three years have all been able to begin a new term without carrying over from the old any cases that had been argued and submitted. That has been true of this circuit, at least ever since Judge Walker became presiding judge fifteen years ago. There is congestion in some of the district courts, but undoubtedly the work of the judicial conference has been very beneficial. A plan of holding conferences in each circuit, to be attended by all the circuit and district judges, was inaugurated in 1930 by Attorney General Mitchell, but because of the depression has been abandoned in the interest of economy. It is to be hoped that when times get better these conferences will be resumed. It was our purpose in this circuit to have each district judge invite the State Bar Association to advise with him just before the circuit conference was to be held so that he might present to it the views of the Bar upon any matters which seemed to him to need attention. Each State Bar in the circuit was to be invited to send representatives to the circuit conference, the idea being that in this way the Bar Associations would have an opportunity to make suggestions which seemed to them advisable both to the district and to the circuit judges, The plan adopted and followed by the federal judges in the conferences which they hold for the purpose of improving the administration of justice may possibly be of some value to the judges of the State courts; and therefore I have attempted briefly to outline it to you.

Everybody knows now that there is a commerce clause in the Constitution. Relying upon it as their warrant of authority, Congress has recently passed a long list of both civil and criminal laws, many of which are being or will be tested out in the courts. How much additional work the courts will have to do because of this New Deal legislation can only vaguely be surmised. Referring only to the criminal statutes enacted under the commerce clause, it is now a federal offense to transport from one State to another kidnaped persons, or any kind of stolen property above a certain value; to transmit threats in interstate commerce to injure the property or reputation of another, accuse any person of crime, demand ransom; or to cross the State line with intent to avoid prosecution or giving of testimony. This is not the time or place for one situated as I am to criticize or to express an opinion upon either the wisdom or the validity of this legislation. These criminal laws are the answer of organized government to the challenge of organized crime. One cannot help but wonder, however, whether the States under the stress of hard times, through their representatives in Congress, are not shouldering upon the general government burdens which they themselves ought to assume, and whether they may not be sorry for it later on.

You are all familiar with the rules of practice and procedure in criminal cases, after conviction, promulgated by the Supreme Court which became effective on the 1st of this month, pursuant to an Act of Congress adopted last year. Under these rules appeals have to be taken within five days after conviction or denial of new trial. Bail may be allowed, but only if in the opinion of the judge acting upon the application therefor "the appeal involves a substantial question which should be

determined by the appellate court." A short time only is given for filing the record proper and bills of exceptions.

Of unusual interest to the profession, and particularly to Bar Associations in the common law States, is the Act of Congress, approved in June of this year, conferring upon the Supreme Court authority to make rules to govern pleadings, practice and procedure, in civil actions at law. It is a foregone conclusion that the Supreme Court will prescribe such rules, and, unless the power to do so be withdrawn by affirmative legislation at the next regular session of Congress, it may unite the rules already prescribed by it for cases in equity with those in actions at law "so as to secure one form of civil action and procedure for both," subject however to the constitutional right of trial by jury in cases at law. Upon the adoption of these rules, the practice in the federal courts in civil actions at law will no longer conform to State practice as it has done from time immemorial. The idea that a simplified and unified code practice is better and will become a model for even those States which so far have adhered to common law rules of pleading is about to be tried out and have its day. The inconvenience and trouble of redrafting pleadings in removal cases, and the difficulty of maintaining two conflicting systems of practice side by side, will inevitably result in a well-nigh irresistible demand that, in order to attain uniformity of procedural law, if for no other reason, the States conform to the rules adopted from time to time by the Supreme Court of the United States. Now is the time for the State Bar Associations to get busy and submit to the Supreme Court for its consideration any suggestions they have to make concerning the new rules.

In speaking of its mission, I assume of course the existence of a live, wide-awake, alert, State Bar Association; one which has not merely the passive moral support but the active aid and assistance of its own members and of local Associations throughout the State. Any other kind might as well not be, however perfect its printed plan. The American Bar Association is a shining example for the State Associations to follow. In the long run, it usually accomplishes what it sets out to do. Its membership is made up largely, if not entirely, of members of State Bar Associations. If they succeed elsewhere, surely they need not fail at home. It is all a question of united unselfish effort to serve and to advance the cause of justice.

THE PRESIDENT: I want to thank Judge Bryan for this splendid, practical and able address. He spoke as if he had lived in Mississippi and had known our troubles all the while. The Bar Association for some time has been dealing with the question of ethics, as most of you know, and our Commission has spent most of its time at different meetings in passing upon complaints against lawyers. To that end it was thought that the question of ethics ought to go on this program and we knew of no better man to respond to that question than Judge J. Morgan Stevens, and I now have the pleasure of presenting him. (Applause.)

JUDGE J. MORGAN STEVENS: Mr. President, ladies and gentlemen of the Mississippi Bar, my friends from Hattiesburg: My presence here today strikes the chords of memory and my thoughts go back to the day, when but a few years old, I left my home out here at Old

Augusta and rode into the village of Hattiesburg for the first time with an older brother; not in a motor vehicle but on a mule wagon heavily loaded with wool sheared from the backs of native sheep. I have watched Hattiesburg grow and I have spent perhaps some of the happiest days of my life here in this cosmopolitan city, and today is a real home coming therefore for me. The subject of the paper that I shall read to you now is:

UNCHANGING ETHICS IN A CHANGING WORLD

The President of the association has not only drafted me to the program but has assigned the subject. At first thought it might be said that the subject of professional ethics is so threadbare that nothing new or interesting could now be added. In the sense that the accepted canons of ethics reflect immutable principles, this is true. But just as the fundamental principles of the law are applied to the ever-changing conditions of society, so the unchanging moral precepts and principles of our profession must find application to a progressive society.

In the past few years I have frequently thought of the statement of Chief-Justice Greene quoted on the fly-leaf of *Corpus Juris*:

> "The law is progressive and expansive, adapting itself to the new relations and interests which are constantly springing up in the progress of society. But this progress must be by analogy to what is already settled."

At this our annual pilgrimage of the Bar, it is perhaps well that we have a quiet meditation with reference to our own family conduct and take fresh account of the obligations and duties resting upon us as lawyers and to consider the very natural temptations to err, brought about by rapidly changing conditions. In the first place, an over-shadowing economic depression has reached the fire-side of every practicing attorney and presented a sharp challenge to our faith and courage. The normal experiences of every practitioner are well known. The older members of the Bar have had the accumulations of a life-time swept away. The enforced economies of business men and the usual inability to command cash and credit and the shrinkage in the volume of legitimate business of the country have reduced the income of every practicing attorney and forced the already over-crowded profession to resort to new methods of solving the daily problem of food and drink. Scores of attorneys, especially the younger members of the Bar, have sought and accepted employment in various new governmental agencies. Those dependent upon a clientele find competition so acute and intensified and conditions so chaotic that certain evil trends in our professional life are intensified to an alarming degree.

Far be it from me to assume a self-righteous attitude or to take this occasion to criticize unduly my brethren of the profession. In fact the task assigned to me is not at all a pleasant one. Conscious of my deep affection for all members of the Mississippi Bar and the debt of gratitude I owe to them, I would prefer to follow a very natural impulse of casting the mantle of charity and at least keep silent. But the task assigned places an affirmative duty upon us to speak very plainly and in the hope that our meditation together can be constructive.

We might say in this connection that an organized Bar might occasionally be too severe in passing judgment upon the conduct of one of our members. For illustration, we have had grave doubts as to how

far the State Bar Association or the Courts should go in passing judgment upon the conduct of a lawyer outside the court-room and completely disassociated from the actual practice of the law. In this respect it is easy to assume a self-righteous and hypocritical attitude. One has only to read *Flush Times in Mississippi and Alabama* and other accounts of pioneer practitioners in this blessed Southland of ours to realize that few of them perhaps kept the ten commandments. But a lawyer should adjust himself to the moral and ethical demands of his day and generation and we are all agreed that no member of the Bar should bring reproach upon the profession whether his conduct is in or out of the Courtroom.

But when it comes to the standards of conduct in the Courtroom and in reference to pending and prospective matters in Court, there can be no room for honest doubt. And here at least, according to many rumors, we find some evil trends. The fact that the whole Nation apparently went on a spree economically, socially and politically is no justification for a lowering of standards in the profession.

Increasing Contingent Fee Basis Contracts

Changed economic conditions have apparently led to an increase of contingent fee contracts and with it an increase in some of the evils incident to such contracts. I would not at this late date condemn the contingent fee as unethical. It is justified, however, only as an emergency. Apparently there is a growing tendency to book and prosecute claims that are without substantial merit and more or less frivolous.

The lawyer is part and parcel of the economic life of the country. The profession can help build up or easily break down legitimate business. We are told that the crying need of the country is construction and more construction and increased employment. In the enforced plans, thousands of so-called relief workers are assigned to jobs for which few of them have any particular training. Such inexperienced employees naturally hurt themselves and one another through no real negligence of an employer, who has no option in the choice of labor or the price to be paid. Growing out of these operations arise many damage suits without apparent merit. And lawyers are apparently taking these cases on a gambling basis and with expectation of settling most of them for the so-called nuisance value. We have heard so much about "nuisance value" as to suggest the question whether the lawyer in the case is not the real nuisance. In a state which has no compensation law, the only security for the employer is to carry liability insurance. If conditions grow much worse, it will become a serious question whether legitimate business can obtain the necessary coverage. May we be bold enough to say that the lawyer who books a personal injury claim involving no negligence of the employer and with the view of settling the claim on a nuisance basis violates the most fundamental principles of professional ethics and seriously retards the economic rehabilitation for which the national government is now struggling.

It has become a matter of common talk that many damage suit lawyers even go to the extent of having "strikers" for the solicitation of business and the planting of professional cards in fruitful fields. Yea more. That some lawyers are in league with thoughtless physicians who agree to make physical examinations and testify as experts on a split-fee

basis. We make no definite charges against any particular member of the Bar. We are dragging into the open, current rumors that in our judgment should be investigated.

If such a condition prevails, then the administration of justice, especially in view of the statute which makes all communications to a physician privileged, has to a degree broken down and the courtroom becomes a place of hold-up under the guise of law. Such a result should not be tolerated in a civilized country. And, unless the Bar takes the initiative, these evils will not stop but steadily grow worse.

We would not here raise the controversial question as to the wisdom of the statute making communications to a physician privileged. We may be pardoned, however, for saying that our views on this subject have been consistent. As a member of our Supreme Court, in the case of *Illinois Central Railroad Company vs Messina,* 111 Miss. 884, 72 So. 779, we wrote a vigorous dissent based on the sincere and honest view that when the plaintiff puts in issue his physical condition and introduces one or more physicians in his behalf, that he should thereby be held to have waived the benefits and privileges of the statute so far as his alleged physical condition is at issue and any physician having knowledge of the controversy should be allowed to testify, to the end that the truth, the whole truth, and nothing but the truth shall prevail. We still hold to that view and believe that if the Courts should adopt it, some of the frauds perpetrated in the name of justice would be impossible or at least minimized.

In connection with the evil trend suggested, is the belief that many lawyers are making monetary advances to their clients not only to cover court costs but living expenses pendente lite. We would maintain that no lawyer should become financially interested in any claim and suit. To do so makes him in effect a party to the litigation and subjects him to the temptation to wink at perjury and the subornation of perjury. The lawyer should in this regard be free from every appearance of evil. The eyes of legitimate business are upon the courts and the administration of justice. The return of legitimate business naturally means the return of a legitimate law practice. In the long run, honesty on the part of the lawyer is the best policy. He levies a legitimate tribute upon the volume of legitimate business. In fact, the business of the country cannot be operated without the able and conscientious legal advisor. Let us then take a firm and fundamental view of this important question.

Making Bonds for and Advances to Litigants

Rule No. 28, adopted and promulgated by the judges, forbids any lawyer becoming surety on any bond in criminal cases. This rule reads:

> "No district attorney, attorney, attorney at law, county, or county district officer, or any other officer of the court, shall sign bail or appeal bonds in criminal cases, either from the lower courts to the circuit court, or from the circuit court to the Supreme Court of the State. It shall be the duty of each circuit judge to so instruct such officers at the time he delivers his charge to the grand jury, and also to instruct all inferior courts not to accept appeal bonds with the names of

any such officers signed to them as sureties; and every violation of this rule shall be deemed a contempt of court, and punished accordingly."

While the rules promulgated by the judges do not expressly forbid the making of bonds in civil cases, yet the practice is unwise and should be condemned. The functions of an attorney are to give counsel and advice and do the work of an advocate. To become surety for or guarantee court costs or to make monetary advances to a client in expectation of reimbursement out of proceeds of any given cause or suit is in effect to make the lawyer a party to the litigation and inevitably creates a situation of embarrassment to court officials and the presiding judges, as well as to the lawyer himself. There may be exceptional cases where an attorney doing largely the work of advising clients about business and financial problems might be justified in making personal loans to prevent foreclosures or sacrifice of values and thus safeguard against litigation or court proceedings. We would not condemn a lawyer for lending a helping hand to one down and out. But when it comes to the execution of a cost bond which must be approved by the court, the situation is altogether different. This subject is briefly referred to largely for the younger members of the Bar who perhaps have not had the subject raised or discussed in their presence.

Making the Courtroom a Pleasant Workroom for Bench and Bar

An affirmative duty rests upon every practicing attorney to be deferential to the Court and courteous and considerate of his adversary and to the parties and witnesses in the cause on trial. And yet the recent quoted utterance of one of America's upstanding trial attorneys, proclaiming in effect that the courtroom is the cockpit in which lawyers fight, has been given wide publicity and is characteristic of a growing trend in present day tactics. Instead of trying the cause to the court and jury, lawyers are frequently trying one another and incidentally trying the patience of the presiding judge as well as of any thoughtful spectator. There was a time when every prominent southern gentleman was known for his chivalry and gracious courtroom manners. He was not afraid to measure lances with his adversary and rely upon the law and the facts. To make the courtroom therefore a cockpit for lawyers to fight, is to make the courtroom a very unhappy, instead of a very pleasant, workshop for bench and bar. It tends to cheapen and prostitute the administration of justice. Here as in many instances, the taxpayer is the real sufferer. It costs tremendously to hold the regular terms of court and lawyers have no right to consume valuable time of the court in immaterial controversies or plays to the galleries, or to divert the attention of the jury from the real issues in the cause by ragging witnesses on the stand or by verbal assaults with opposing counsel. It might be said in this connection that the presiding judge should step in and see that the dignity of the court is maintained and counsel disciplined. This is not always an easy task for the judge. We are reminded in this connection of the familiar story that when in a regular catfight between two lawyers one of them exclaimed to his adversary: "Sir, you are the most consummate ass I ever saw in a courtroom." In the confusion the Judge, pounding for order, exclaimed: "Order! Sir, you seem to forget that *I* am here."

The Growing Practice of Conversing with Judges About Pending Cases

When we first became a student and follower of Blackstone and the great Masters, we were taught that the presiding judge is an impartial umpire, hearing for the first time any given cause when presented to him under the usual solemnity of open court, under the oath of witnesses, and the obligations incident to the oath of an attorney. In other words, so far as our personal recollection goes, it was highly improper for parties or their attorneys to discuss the merits of a cause with the judge outside of the courtroom. We remember as but yesterday an incident which occurred when we were a law student and before our admission to the Bar, when our instructor and preceptor was holding court and we attended for observation purposes. Court had taken a recess for the lunch hour and in company with the judge we started across a certain familiar court-square when a countryman having a cause in court ran after us and asked the judge when his cause was to be taken up. The judge responded, "Have you a cause in my court? If so, discuss it with your lawyer and do not discuss it with me." Apparently this attitude has relaxed and in many instances completely changed. And it may be that an elective judiciary largely accounts for the modern trend. We believe that it can be safely said that the judges earnestly desire to be independent and impartial. An elective system to some extent robs them of their former independence. If the judge now rebukes a layman litigant or his attorney because of inquiries about the pending causes, the judge may be subjected to the charge of being arbitrary or inconsiderate and in many ways may be misunderstood. It is the business of the lawyer to make the judges independent, fearless, and courageous in the discharge of their duties.

Apparently many lawyers do not hesitate to seek chimney-corner conversations with the judge, all outside of the courtroom and not in the presence of opposing counsel. Such a practice is subversive of justice and should be condemned by thoughtful lawyers everywhere. There is a time to speak and a time to be silent. The courtroom and not the street-corner or the hotel lobby is the place to try causes. No lawyer should want or desire anything but an impartial umpire before whom, with an impartial jury, he should be content to rest his cause upon the testimony delivered from the witness stand and under the solemnities and safeguards of dignified procedure. And of all the cheap and tawdry practices, the most offensive conduct is for a lawyer not at all interested or connected with a given cause to insinuate himself into the case, comment upon the testimony in the presence of the judge, or suggest what the decision should be. Such a tale-telling tattler should receive and be administered the severest rebuke from both bench and bar.

Affirmative Obligations

The subject of professional ethics is not confined to a consideration of prohibitive rulings or numerous "Thou Shalt Nots." Seneca, who lived in the time of St. Paul, had a far vision when he said:

> "We are members of a vast body. Nature made us kin when she produced us from the same things and to the same ends. I will look upon all lands as belonging to me, and my own land as belonging to all. I will so live as if I knew that I was born for others,

> and on this account I will give thanks to nature. She gave me alone to all men, and all men to me alone. I will know that the world is my country. Nature bids me assist men. Wherever a man is, there is room for doing good."

It is not only the business of lawyers to take an interest in the work of their profession, but to express a lively interest in the social and political problems of the day. Not only is there a movement for the integration of the Bar, but a consistent and ever increasing movement to improve the standards for the admission and the proper conduct of lawyers, after admission into the profession. The profession, as usual, is under attack, as witness the recent caustic article by Jerome Beatty in the September issue of the American Magazine. The Bar must be looked to for leadership in every emergency and especially in distressing times like the present. There is much honest doubt about means and methods employed by the National and State Governments, for the betterment of mankind. Daniel Webster once said:

> "Government grants liberty only to those who love it, and are always ready to guard and defend it."

Ben Hill beautifully said:

> "Who saves his country, saves all things;
> And all things saved do bless him.
> Who lets his country die, lets all things die,
> Dies himself ignobly;
> And all things, dying curse him."

We frequently boast of our American liberty. Let us not be too sure of our heritage. In countries older than ours, God given liberties of the people were whittled down to nothing. About all of the liberty left in certain jurisdictions is the right to obey and applaud fools and dictators. It is the affirmative obligation of lawyers to cherish our American institutions and stand by the Constitution. The Constitution itself may be placed in jeopardy. May we not remind you of the words of the Supreme Court of the United States, in Ex Parte Milligan, 4 Wall. 2, 18 L. Ed. 281, 295:

> "Those great and good men foresaw that troublous times would arise, when rulers and people would become restive under restraint, and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law. The history of the world had taught them that what was done in the past might be attempted in the future. The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classess of men, at all times and under all circumstances. No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence."

It is the business of lawyers, regardless of political affiliation or the exigencies of the times to support and uphold the Constitution and pre-

serve for our children and our children's children constitutional liberty. In short let us, in the words of our beloved President, make this "God's Country."

THE PRESIDENT: On behalf of the Bar I extend to Judge Stevens our great appreciation for the splendid address he has just made. It appeals very strongly to the Bar Commission. We were in session last night until twelve and I wish to say to that Commission that we will meet again this afternoon at 1:30 and reconvene here at 2.

For the information of the Bar I will say that we are being just as conservative, I consider, as possible, in dealing with all matters that come before the Commission. We are not dealing with frivolous matters, but on thorough investigation last night dismissed ten claims, one after the other that were before the Commission.

The local committee want to make some announcements before we recess.

MR. CAPERS: The local committee has requested me to ask each member of the Bar who has not registered to do so, so that they may be able to plan adequately for them.

THE PRESIDENT: I want to appoint one committee—I'll call it the Escort Committee, and I'll put on that committee Governor Connor, Judge Edwin R. Holmes, Judge Sydney Smith, to take charge of Judge Bryan, see that he has a good time, and to see that he does not leave the jurisdiction until we have finished.

We now stand adjourned until two-thirty.

AFTERNOON SESSION

September 6, 1934
2:30 P. M.

THE PRESIDENT: The Convention will come to order, please.

The first item on the program is "The Law Institute and Mississippi Annotations." Judge Sydney Smith will respond to the Law Institute, and will be followed by Judge Venable on Annotations.

JUDGE SYDNEY SMITH: Mr. President, gentlemen of the Mississippi State Bar, and ladies. I shall not detain you but a very few moments, because at the Vicksburg meeting I gave you a very comprehensive review, going into some detail as to what the work of the American Law Institute is, but for the benefit of those who did not hear me on that occasion, and who may not have read what I said in the Bar Association Journal, I will call your attention just briefly now to the work of that great Institute.

Now, I am very anxious for every one of you to hear what I am going to say, and I will appreciate it very much, indeed, if my friends in the rear of the house would just raise their hands in event you cannot hear me. I am not accustomed to speaking before a microphone, and I am somewhat embarrassed by the novelty of the thing, and may not be able to pitch my voice exactly as it should be pitched in order to carry to you so that you will not be discommoded by trying to follow me.

The American Law Institute is composed of five hundred or six hundred—more than that—of the leading jurists in America, practicing lawyers, who are foremost in their profession, of judges of national reputation and of law professors who occupy the front rank in the teaching of law in the American schools.

The work in which it is engaged is the most constructive that the American Bar has ever undertaken. I will say more than that—it is the most constructive—it is as constructive a piece of work as any bar has ever undertaken anywhere in the history of the world. I say that to you advisedly, assuring you that it is not an extravagant statement, born of the occasion, it is comparable, it is equal to the work done by Tribonian and his associates when they restated the civil law during the reign of the Emperor Justinian. It differs only in this, that Tribonian's work was reduced to an authoritative code, with all the power of the empire behind it, while the work of the American Law Institute is not intended to be enacted into legislation, but is merely one of the steps in the growth of the common law.

Now, the common law—and by that I mean those great elementary principles of justice that are universal in their application and that underlie all systems of law—that law, as I said, is universal and it consists now not in detailed rules applicable to specific situations, but in fundamental, elementary principles that do not vary, and from which the laws grows, and out of which all the subsidary rules of justice are fashioned.

While these elementary principles never vary, the subsidary rules do, because of the human element in their development—the judges.

In England, Scotland, Ireland and Wales, and to a lesser degree in other countries that constitute the British Empire, the common law is kept as a unit. It is the same, generally speaking, in every part of the British Empire, and no necessity has arisen in that great commonwealth for a work similar to that undertaken by the American Law Institute. But in America, rather in the United States of America, that situation does not prevail because we have a supreme court for each of the states constituting the Union, plus the Supreme Court of the United States, each in its own sphere independent, and each saying for itself what the common law is; and the result has been that there has been quite a variation in the common law as announced be these various courts. Confusion has been worse confounded, and chaos seemed not far in the future. The law in Mississippi was not the law in Tennessee, in many instances vitally affecting the welfare of the people. And the law of the great state of New York sometimes conflicts with that of Mississippi. That situation, of course, ought to be remedied. It has been attempted to be remedied in a limited field by this Commission on uniform laws from which resulted the Negotiable Instruments Law, the Warehouse Law, the Sales Law, things of that sort, but could not meet the demands of the situation. So, some years ago, under the auspices of the American Bar Association, and largely on the initiation of Mr. Elihu Root, who then was probably the leader of the American Bar, it is safe to say that now since he is out of the practice, the American Law Institute was born and the work which it undertakes to do, and which it is doing, is no less than a restatement of the whole of the common law, a Herculean task, but one which the Institute has demonstrated can be successfully performed; which I prophesy will, within the lifetime of many men into whose faces I am now looking, be completed.

That Institute, as I said, is composed of leading jurists of America. At Vicksburg I gave you a detailed statement of how the restatement

is made, the care, the very great care, with which the work is done, and the many conferences of committees of advisory council of the full Institute itself through which each subject goes before it is finally released.

Now, I say to you in all sincerity—I say to you this—based on my knowledge of the work of the Institute, on my long experience on the Supreme Court of Mississippi, on my knowledge of the judicial mind, that whether you agree with the Restatement or not, you cannot neglect it. For no court that has any respect for itself, and any regard for the opinion of the bar is going to go contrary to the Restatement announcement of a rule of law unless there is a controlling decision in its own jurisdiction to the contrary, and which it does not feel that it can overrule; or unless when it does go contrary to the rule announced in the Restatement, it gives what in its own judgment is a sufficient reason for doing so. That being true, you are bound to become familiar with it if you are going to do justice to yourself; if you are going to do justice to your client. You owe it to yourself, your court, your client, to become familiar with the Restatement of the law by these great lawyers.

Your opponent is going to use it, and you cannot delay your acquaintance with it until it is cited against you, because you have to study it out and be somewhat familiar with it before. These rules are couched in broad universal language, for the reason that the Institute did not wish to crystallize the law in all of its details, but to restate those broad elementary principles which will be taken as a starting point, or as a point of departure by the courts of today in developing the law for the future.

It is doing work for America which the House of Lords does for the British Empire, and in a more effective way. It has been said that the common law should be restated once in each generation, and the fact is that in most American jurisdictions the courts do restate the common law once in a generation, but that restatement runs through a vast number of decisions. It cannot be brought forward in one or two decisions, so that the bar, in order to ascertain what the law is at any particular moment, unless there is just one broad controlling decision, such as a grey horse case, as some of you gentlemen may call it, is under the necessity of studying carefully a long mass of decisions, analyzing them, arriving at the ratio decidendi of each of them, and then deducing the general rule from that,—a very laborious task, and I do not think any of you will object to my saying that some briefs are filed in which this has not been done, and the court has to do that itself. Now that work is done for you by the American Law Institute and you are saved that labor. The court's time is conserved and one result of the work of the Institute will be that the common law of the American states will be brought into unison and the common law will be the same finally in Massachusetts that it is in Florida or in Mississippi.

Now the Supreme Court of the United States dignifies this work by citing it. The present Chief Justice was for a long time the President of the Institute; Judge Cardoza, than whom there is no greater Judge on any American bench, was Vice-President and an active member. Judge Stone and Judge Roberts were members of the council of the Institute, when they were appointed to the Supreme Court. Fact of the business is, it looks as if the Presidents are going to the American Law Institute to find appointees for the Supreme Court because they have all come from there lately.

Now then, that is the work. I plead with you, for your own sakes, for the sake of your client, and for the sake of that great court—may I say that—of which I have the honor to be a member, conserve its time, aid it by using the work of the American Law Institute. I do not mean to say that Court is going slavishly to follow it. No court that has any self-respect will ever surrender its right to decide for itself what the law is, be that law constitutional, statutory, or common law. But where the statement of a rule of law has behind it the weight of the opinion of this body of jurists, it would be a bold man who, without good reason that he can justify in cold type, would go against it and decide otherwise.

The Supreme Court has no trouble in deciding cases where a statute is plain, where there is a case exactly in point, but when there is no controlling authority, when the question is res novo in its jurisdiction, and the decisions are in conflict, the Court is put to it to say confidently which rule should be adopted. Of course, in the last analysis an appellate court in adopting for the first time a rule of law—that is all that common law is, say what you please about it—judges do not just reach out and pull down a rule of law that has always been in existence but has not been used before. Blackstone to the contrary notwithstanding, the common law is just what the judges say it is—always has been from the very nature of things, cannot be otherwise. Now, in adopting a rule of law for the first time, of course, the court strives and does its dead-level-best to adopt that rule which in its judgment will administer justice in a majority of cases.

Now then, the American Law Institute has adopted the same rule in deciding which rule among conflicting decisions it would recommend to the court to follow. As I said that this work was couched in general language—had to be that—and sometimes a casual reading of the rule will leave you in doubt as to what it means; you have got to construe the rule in the light of the whole subject; but one of the easiest ways for the meaning of a rule of the Restatement to open up, unfold before you, is to have before you the decisions of the courts dealing with the particular question and then it will open up, and if there is any doubt about what the Restatement means, you can understand what it is.

In addition, in using the Restatement it is absolutely necessary for you to know what the Supreme Court, the court of last resort of the jurisdiction in which your case is, has said about it. You cannot, of course, use any rule of the Restatement safely without knowing what the Supreme Court of Mississippi has said on the particular question, and on questions so closely allied, so analagous, that it indicates what the court will do in this. That is a great deal of labor to find out. We have not a first class digest of Mississippi decisions. We have digests that are very good, but I give it to you—it is absolutely impossible for you to safely rely on the digests because of things that I will not have time to tell you of. So you must know what the court has decided. The Institute has asked each Bar Association over the country to have its work annotated with the decisions of its jurisdiction. The Mississippi State Bar Association has taken up that work, of annotating the report of this Restatement with the Mississippi decisions. The subjects covered so far by the Institute are: Contracts, Agency, Torts, and Conflict of Laws. The first two subjects were released a year or a year and a half ago, Agency and Con-

tracts. Contracts has been annotated and published, and I suppose some of you have that. Agency was released a year ago last May. The annotations for Agency have been practically completed, or ought to be nearly so, and will be in a very short time, a few weeks, and those annotations will be published. Torts and Conflict of Laws were released last May; those two subjects will be published, I presume, in October. And shortly after that I am glad to say, the annotations of those two subjects will be given to Mr. Goodrich, who is in charge of the work for the Institute for publication. The annotators names will be given you a little later.

The next subject released, which will be next May, will be that of Trusts and others will come out at short intervals.

The Bar Association has been cooperating with the Institute and these annotations have been and are being made under the supervision of a committee appointed by this association. That committee has cooperated with us uniformly. They have given us every help and facility that we have asked for to aid us in doing the work and by your appointment of the Committee you have given the work official recognition. That committee is composed of Judge Venable, Judge Everett, and Myron McNeil of Hazlehurt. That committee has formulated a report, giving you in detail the work; giving you the names of the annotators. I hope you will understand and approve what I have said about the importance of the work. (Applause.)

THE PRESIDENT: Judge W. W. Venable will read the report of that committee.

JUDGE VENABLE: Mr. President, ladies and gentlemen of the Bar, Chief Justice Smith has stated to you the function of this committee whose report I read.

Your committee, appointed to cooperate with Honorable Sydney Smith, Chief Justice of the Supreme Court, in having the Restatement of the Principles of the Common Law annotated to the Mississippi Decisions as the various installments are published, begs leave to report as follows:

Progress Thus Far

The Restatement of Law of Contracts has been published some time and the work of annotation has been completed, and this Restatement together with the annotations may be procured from the official publishers or any law book house.

The Restatement of Agency has been published and gentlemen undertaking the work of annotation have completed their labors and the annotations will be printed and available in a short time.

In the work of annotating Agency, the Chief Justice was assisted by the following gentlemen:

Justice V. A. Griffith of the Supreme Court
W. I. McKay, Vicksburg
R. C. Stovall, Okolona
W. A. Geisenberger, Natchez
Percy Bell, Greenville
W. H. Watkins, Sr., Jackson
F. J. Lotterhos, Jackson
John Dulaney, Tunica
Cecil Travis, Jackson
W. W. Venable, Clarksdale

Report as to the work of annotating the Restatement of Contracts was made a year ago at the Vicksburg meeting. The names of gentlemen doing this work likewise appear in the annotations as printed and now available.

To cover the clerical expense connected with the annotation work, the State Bar made a small appropriation out of which there has been expended for this purpose the sum of one hundred and five dollars and seventy cents ($105.70).

We are advised that the Institute will publish its Restatement of Conflict of Laws and of Torts about November of the present year and it is our pleasure to report that Dean T. C. Kimbrough of the University Law School, who teaches the subject has undertaken the work of annotating Conflict of Laws and Honorable Victor Gilbert of the Meridian Bar has agreed to annotate the Restatement of Torts.

In this connection, we are informed that the work of annotation of these subjects is well on its way and will be completed shortly after publication, so that the Bar will be able to obtain these Restatements together with their annotations a short time after publication.

We are further informed that the Restatement of Trusts will be issued about June of next year.

RECOMMENDATIONS

It is too early to predict what effect the Restatement of The American Law Institute will have upon the body of American Law as it now exists. That its effect will be profound we know.

The Restatements are issued after a careful study of the field by representatives of the best legal talent in the American Bar, judges, lawyers, teachers, and legal statesmen of the highest ability. They are subjected to the most impartial criticism and issued in completed form as the resultant of the most painstaking study, laborious examination and widest criticism possible. We think it can be said that it represents the best legal opinion of the United States.

Many courts of last resort, including our own, have announced that if there be no local decision or statute of binding quality the Restatements will be followed. If this course be followed, it seems that to the two heretofore essential tools of our lawyers, the statutes and state decisions, must be added a third, the Restatement.

It seems to us that there will be two broad currents of influence reacting on the use of the Restatement by the courts, the one making for change where there is difference between decision and Restatement, the other making for following local precedent in certain fields. What the net result shall be, from the nature of the case, can be worked out only by the slow process of actual decisions.

There is the desirability of uniformity of right, obligation, and remedy as between citizens of different states, making commercial contracts, etc., in the several states where in the laws now differ in many particulars. This desirability of uniformity will be a powerful influence to cause the courts to follow the Restatement and thus secure it as far as may be.

Against this is the fact that with diverse social, economic and political conditions, what may be thought a wise and salutory rule or gloss upon a rule in one state may not be so thought in another where the situ-

ation is entirely different. There is at all times the local public policy as construed by the court of last resort, exemplified in precedents which courts may hesitate to modify or overrule. Much will depend on the personnel of the courts themselves.

It is certain that on many occasions in the future where there is conflict in the Restatement and previous decision, the lawyers task will be to persuade the Supreme Court either that the decision should be abandoned and the Restatement followed or that the decision is based upon wise public policy in view of existing conditions and should be adhered to for this reason.

It is reasonably clear that the making of the Restatement has given the Courts and the Bar a new task. Where there is difference with decision, it challenges the decision as to its right to live and forces a re-examination of it, its reasons, its policy, and its effects, in view of local conditions.

It seems to us that this is an inevitable result, unless the Courts take one of two courses, both equally impossible, either to ignore the Restatement in making decision or to give to it a binding quality, following it blindly without any examination. This, of course, no self respecting court will do.

If what we have said be true, no lawyer can afford to ignore the Restatement in the preparation of his cases. It is equally clear that having the Restatement annotated to our local decisions and statutes will save him much labor in determining whether or not there is difference between it and decision, thus presenting the task of persuading the court to adhere or overrule or modify as the case may be. Without such help, the lawyer must perform the laborious task of searching the decisions and analyzing them, a work made more laborious by the fact that the digest paragraphs are, for practical reasons, fact sylabbi and not stated according to legal principle while the Restatement is a statement of abstract principle as a rule. The court frequently in its decisions gives the facts and announces its decision under those facts without bringing the principle to the fore by general statement. There is constantly presented the task of deducing the principle invoked from the decision and then deciding that principle of the Restatement corresponds or differs as the case may be.

This work the annotators have and will do for us, saving us this trouble.

Because of the considerations we have mentioned, we are impressed with the importance of Restatements to the members of our Bar and the great importance of having them annotated to our decisions.

We most earnestly recommend that the State Bar arrange to continue the work of annotation as the several Restatements are published from time to time.

Chief Justice Smith assures us that subsequent Restatements can be annotated as have the ones thus far and that he can procure the cooperation and assistance of the members of the State Bar in doing this work.

Your Committee feels that a public acknowledgement of appreciation is due to Chief Justice Smith and to those gentlemen of the Bar who must have given of their time and labor in carrying on the work

of annotation, for the assistance of their brethren and their clients.

We recommend that the State Bar continue the course heretofore followed and that it be adopted as a permanent policy and that the State Bar make the small appropriation necessary for needed clerical hire.

Respectfully submitted,
W. W. Venable
M. S. McNeill
F. E. Everett

(Applause.)

Mr. President, we submit this report and move its adoption. The motion was seconded.

THE PRESIDENT: You have heard the report of the Committee on annotations, and second. Are there any remarks, any discussion? (The question was called.)

All who favor the adoption of this report will let it be known by saying Aye; opposed no.

The report is adopted.

The next item on this program is Criminal Law Enforcement, about which there has been much criticism in America in the last year, perhaps, much publicity, space in newspapers, magazine writers, articles, speakers and conversation—believing that this was one of the important propositions to come before the Bar Association at this time because everybody was discussing it, talking about it, making suggestions, and because of the fact that the Congress of the United States has passed some very rigid additional legislation to its criminal code, we thought fit to give it place on this program, and that proposition has been assigned to the Hon. Greek L. Rice, Attorney General, who needs no introduction at my hands. (Applause.)

GENERAL RICE: Mr. President, Ladies and Gentlemen, as stated to you by the President, Judge Price, the question of criminal law and its enforcement has been discussed so much and so long, there is not very much that is new, that can be said upon the subject. (Reading.)

William Howard Taft said: "The administration of criminal law is a disgrace to our civilization." This statement has been quoted and re-stated before practically every bar association meeting in the nation. Not only that, but the truthfulness of the statement is admitted and has been demonstrated and established on numerous occasions, and in practically every state of the Union, since its utterance by this great American.

A late President of the United States said, in his inaugural address:

"Crime is increasing. Confidence in rigid and speedy justice is decreasing.

"Reform, reorganization and strengthening of our whole judicial and enforcement system, both on civil and criminal sides have been advocated for years by statesmen. judges and bar associations. First steps toward that end should not longer be delayed. Rigid and expeditious justice is the first safeguard of freedom, the basis of all ordered liberty, the vital force of progress.

"Justice must not fail because the agencies of enforcement are either delinquent or inefficiently organized. To consider those evils, to find their remedy, is the most sore necessity of our times."

Admitting the truthfulness of the statement of Mr. Taft, and certain as we are that it is a problem and duty of the bar, as set forth by the Ex-President, just copied, the situation with reference to criminal law enforcement has remained practically unchanged until this very day.

The suppression of crime in the United States is at once the gravest moral issue the nation has ever had to face, and one of the greatest economical problems that must be solved. The effect of widespread crime reaches every home in the country through additional cost in government, in insurance and other protective provisions. The United States is stigmatized today as the most lawless nation on earth—a nation where life, body and property are less secure than in any other civilized country. Every year 11,000 human beings are murdered, 3,000 are kidnapped, 100,000 are assaulted and 50,000 are robbed in these United States.

Every year 40,000 homes and other places are robbed, 5,000 more unlawfully burned, at an estimated loss, from that source alone, of one hundred million dollars.

It is estimated that the annual crime bill of the United States is above thirteen billion dollars per year. This includes prevention and punishment of crime, maintenance of jails and penal institutions, loss of property by fraud, arson, etc.

In 1929, when we were at the peak of our prosperity, the three leading industries of the country were:

(1) Motor vehicles, with a business of $3,722,793,274.00.
(2) Meat packing, with a business of $3,434,654,098.00.
(3) Steel works and rolling mills with a business of $3,365,788,-805.00.

However, the statement comes from a reliable source that America's biggest industry, if it may be called such, is the gangsterized industry of racketeering, which is organized on a nation-wide basis, under the leadership of the country's most notorious criminals, corrupt politicians and unscrupulous lawyers and is costing the American people twelve to eighteen billion dollars a year. This tremendous sum levied on our apparently unprotected people represents a yearly tax of $100.00 to $150.00 on every man, woman and child in the United States.

At this very moment 120,000 crimson-handed assassins are roaming at large in the country. It is estimated that 400,000 of our people make their living mostly through crime, which number constitutes an army three times the size of the regular army of the United States. Your country, America, sometimes called "God's Country," is rightly called the most lawless nation on earth.

General John J. Pershing said: "Make no mistake about this: Our Nation is confronted by a crisis as serious as the crisis of the War—in the war, once we were aroused, we made an effort that astounded the world. Just so today, the American citizen, once he is aroused to the dangers that menace his country, will, I devoutly hope, and believe, gloriously redeem his indifference of the past."

It is gratifying to observe that there are some recent signs of an awakening on the part of our people. Criminal law and its enforcement is a subject now much discussed and a flood of remedies have been proposed. The Congress, state legislatures, bar associations, churches and schools are giving their thought to the subject and are demonstrating a determined purpose to make law supreme, thereby giving back to the people the constitutional rights and protection guaranteed them. The Senate of the United States recently manifested its interest and determination in this regard by passing seven distinct new laws against gunmen in twenty minutes.

Numerous are the remedies offered for criminal law enforcement. There are those who would place the detection and prosecution of criminals in the absolute charge of Federal officers—others would have psychiatrists to psychoanalyze every criminal apprehended—others would have every American citizen registered and finger-printed. Some would revive the whipping post and others advocate some kind of deportation. Stop the sale of fire-arms, say some, while there are others who believe religion is the only cure; some would practice sterilization, others urge lynching to stop the crime wave. Convincing argument is made that when the New Deal is perfected, social justice more generally practiced, when the wealth of the country is more equitably distributed, and when there is a job for every citizen with adequate pay, crime in this country will reach a minimum. There can be no doubt that with better understanding of social welfare, and a proper application of it, the situation will be greatly improved.

The Congress of the United States, under the leadership of General Homer Cummings, very properly, is taking the lead and blazing the way in the endeavor to unloose the criminal grasp. Most criminal activities, as you know, do not constitute violations of the laws of the United States, but are infractions of state law. The Congress is, therefore, limited in the enactment of criminal statutes to those objects constitutionally authorized. Take a look at the growth of this jurisdiction.

Congress has enacted the Dyer Act, prohibiting the interstate transportation of stolen automobiles; the Mann Act, in an effort to curb white slave traffic; the Lindbergh Kidnapping Statute, making it a Federal offense to transport a kidnapped person from one state to another; the anti-trust law, the extortion statute, which makes it a crime against the United States for a person to send through the mail an anonymous or unsigned communication, threatening death, personal injury, etc. for the purpose of extortion; the mail fraud statutes and the statute against theft of goods from interstate shipments.

Recently the Congress enacted certain legislation that will further enlarge the criminal jurisdiction of the Federal government—heretofore many of these offenses have been regarded as the sole concern of the states. For instance:

1. On June 6, 1934, a law was signed authorizing agreements between two or more states for mutual cooperation in the prevention of crime.

2. On May 10, 1934, the President signed a law to limit the operation of statutes of limitation by providing that such statutes shall not prevent the prompt reindictment and prosecution of a person after a

prior indictment has been held to be defective, and a law to prevent dilatory practices by habeas corpus or otherwise.

3. Two laws strengthening and extending the so-called Lindbergh kidnapping statute were signed on May 18, 1934.

4. Also on May 18, 1934, the President signed a law making it unlawful for any person to flee from one state to another for the purpose of avoiding prosecution or the giving of testimony in felony cases.

5. Another law was signed on May 18, 1934, making it a criminal offense for any one to rob, burglarize, or steal from banks operating under the laws of the United States, or as members of the Federal Reserve System.

6. Two other laws were also signed on May 18, 1934, one making it a criminal offense for any person to kill or assault a Federal officer or employee while he is engaged in the performance of official duties, and the other providing punishment for any person who assists in a riot or escape at any Federal penal institution.

7. A law has been passed making it a Federal offense for any person knowingly to transport stolen property in interstate or foreign commerce. This law was signed by the President on May 22, 1934.

The National Government now has under consideration the organization of a national institute of criminology. This institute will have for its purpose, (1) to assemble, digest and translate into practical form reports of improvements in the various branches of the administration of criminal justice, such as police, prosecutions, court organization and administration, probation parole, peno-correctional institutions and experiments, and the pardoning function; (2) to educate civic organizations in different parts of the country as to the nature of these materials, their availability and how they may be used locally to improve the administration of criminal justice and to help in the prevention of delinquency and criminality; (3) to conduct a training school, where specially qualified officers, Federal, state and municipal, may study scientific methods of crime repression and prevention. In addition to all this, Congress has made available to the Department of Justice ample funds to increase and supply all the Federal forces engaged in crime suppression. It is, therefore, reasonable to expect that marked improvement will soon be noticeable in Federal enforcement of the law.

We are immediately concerned with criminal law and its enforcement in this state. What is the situation in Mississippi? What have we, as a Bar Association, done, what are we doing, and what should we do in the future in regard to this all important subject? Certainly we should act, because we cannot escape the admission that the problem is very largely our own. Two hundred and twenty-five questionnaires dealing with criminal law and its enforcement were recently submitted for analysis and study by Bar Association committees from the various states. Twenty of these questionnaires came from State Bar Associations, sixty were from metropolitan centers with a population of 100,000, or over, one hundred and forty-five were from rural communities, with a population under 100,000. A canvass of the information contained in these questionnaires reveals the fact, generally speaking, that the enforcement of the criminal laws is not considered by the bar so serious a problem in small communities. In the large cities the situation is different and

a grave situation is presented. In rural communities, and in cities of less than 100,000, crime does not appear to be organized and, generally speaking, the criminals are without undue influence. In some instances, however, they do have sufficient influence to prevent their apprehension or punishment, but this is usually in connection with the lesser crimes, such as bootlegging, the operation of slot machines, gambling places, and houses of prostitution. The police are usually charged with this delinquency. In the larger cities, more than two-thirds of the questionnaires indicate an undoubted connection between politics and crime—the information further comes from this source that in the small local Bar Associations there are only a few lawyers in their communities who give unethical advice and assistance to parties charged with crime. Racketeering, it seems, has not bothered the small community and is on the decline in the large cities.

The chief cause of complaint, according to these questionnaires, is the failure on the part of local enforcement officers to do their full duty. It is indicated that these officers should be better trained, supervised and directed.

The American Bar Association is profoundly interested in state criminal law and in its adequate enforcement. For several years this subject has had intense and wide study. Its services to the states in this respect have been invaluable. At its very recent meeting in Milwaukee, no subject received greater or more serious consideration than that of Criminal Law and its enforcement. After the widest investigation and most profound study this Association makes the following recommendations to the states for the better enforcement of the criminal law:

I. (a) The American Bar Association has recommended to the governor of each state that a permanent committee on criminal justice be established, composed of lawyers and laymen, who are to be charged with the matter of studying, improving, and criticizing the enforcement of the criminal law—such committee to keep in close touch with local and state bar associations.

(b) It is recommended to each state and local bar association the establishment of a committee on Reform of Criminal Procedure, also a committee on Police and Prosecution—the Committee on Procedure to be charged with the serious consideration of the adoption of the model code of criminal procedure approved by the American Law Institute and with the specific recommendations of the Association.

II. It is recommended to each state that a State Department of Justice be created, headed by the Attorney General, or some other suitable officer, whose duty it would be to direct and supervise the work of every District Attorney, sheriff and law enforcement agency.

III. The American Bar Association further recommends to each of the State Bar Associations that it formulate improvements in criminal law and procedure and submit them to the courts, the legislators and the people, and that the state associations work for the promulgation of rules of court where that method is available, and for the enactment of laws and the amendment of constitutions, when the desired improvements can only be accomplished by amendments of statutes or constitutions. It recommends that the improvements in criminal procedure be

based upon a careful examination and study of the American Institute Code, which covers, particularly, the following:

1. Giving the accused the privilege of electing whether he shall be tried by jury or the court alone. This can be accomplished by legislation if in fact the right does not already exist.

2. Permitting the empanelling of alternate or extra jurors to serve in the case of the disability or disqualification of any juror during the trial.

3. Permitting trial upon information as well as indictment. Where indictment by grand jury remains a constitutional requirement, waiver should be allowed.

4. Providing for jury verdicts in criminal cases by less than a unanimous vote, except in the case of certain major felonies.

It further recommends:

(a) The adoption of the principle that a criminal defendant offering a claim of alibi or insanity in his defense shall be required to give advance notice to the prosecution of this fact and of the circumstances to be offered and that in the absence of such notice a plea of insanity or a defense, based on an alibi, shall not be permitted upon trial except in extraordinary cases in the discretion of the judge.

It also recommends:

(b) Permitting court and counsel to comment to the jury on the failure of a defendant in a criminal case to testify in his own behalf.

These recommendations of the American Bar Association are certainly worthy of serious consideration of this Association, and I have no doubt that they will be seriously regarded. Nevertheless it should be remembered that the greatest hindrance to the orderly administration of criminal justice today is the disposition on the part of a great many of our ablest and most outstanding lawyers not to accept any change in the old procedure. They are too firmly impressed with the old order.

Mississippi is rural—we have no large cities where crime is at its worst. Organized crime scarcely exists in Mississippi. Gangsterism is not here, and the connection between crime and politics in this state is certainly not alarming. Our judges and prosecuting officers appear in the main to be doing their full duty, and, as I understand it, there are no serious complaints lodged against these officers by the people of this state. Nevertheless, there is a vast amount of undiscovered, unarrested and unpunished crime in Mississippi.

We are indebted to the Bureau of Vital Statistics of the State Board of Health for some recent figures and observations on the homicide record in this state for the year 1933. This record shows Mississippi with a homicide record excelled by only four other states in the Union. Mississippi had more homicides for the year 1933 than fifteen other states in the Union. This record is made very largely by the negroes, and is confined very largely to what is commonly called the black belt or negro counties. No doubt this record is caused, to some extent at least, by the lax method of enforcing the law against the average plantation negro. Regardless of the excuse offered, or the explanation attempted, the report is a serious indictment of the people of Mississippi, and indicates an absolute lack of interest in the problem by this Association. Out of this total number of 424, only 139 were convicted, with thirty cases

still pending. Thirty-three of the slayers escaped, and twenty-seven of them were unknown.

Too many law violators escape in Mississippi. There is urgent need for more and better trained police officers. The Legislature is hardly fair to the sheriffs and other arresting officers of the state. Each Legislature grinds out more crime laws without much regard or apparent interest in their enforcement. The state declares what shall constitute a crime, and practically nothing is done by the state toward arresting and bringing to justice those charged with committing that crime. The Legislature must realize, as it apparently does not, that criminal laws are not self-executing. It must also realize, as it apparently does not, that common sense and some understanding of human nature are to be used in determining what shall constitute crime in the state. It is one thing to pass a law, another to enforce it. We must not expect sheriffs and other police officers to be super-human or to do the impossible, but we do have a right to expect the Legislature to do its full duty in this respect. Not one dollar does the state now spend in the detection and apprehension of those violating its general crime laws. In 1932 the Legislature recorded its willingness to spend tax money to police and protect the game and fish in the state, but so far it has not made any such record in an effort to give to the people that same protection. From this viewpoint, it appears to be an all-year open season on the people. This immense responsibility of detecting and apprehending the criminal is left with the counties and municipalities. If the duty is not well performed, the state occupies a poor position to complain.

It is confidently and generally believed that if Recommendation Number 2 of the American Bar Association is carried out, creating a general state enforcement bureau, with an appointed state police force, having state-wide jurisdiction, headed by a proper state officer, the problem in Mississippi will be largely solved. This should be established on a conservative basis, after careful thought and study have been given to its various angles. Such a police force in the discharge of its duties would not recognize county lines, but would be free at any time to go into any county of the state and aid the local officers, where they are unable to handle the situation, and take absolute charge in those cases where local officers are unable or unwilling to do their full duty. The psychological effect of the existence of such a force would be very wholesome all over the state.

With the criminal apprehended his trial and punishment should follow without unusual delay. A number of suggestions with reference to our statutes have been made for the speeding up of justice and the restoration of confidence in our procedure. Some of these are as follows:

1. Repeal Section 586, Mississippi Code, 1930, and provide that the Judge shall orally instruct the jury as to the law, and provide further that he may sum up or comment on the testimony, and that he may charge the jury as to the weight of the evidence.

2. Amend Section 2033 of the Code, to provide that the Circuit Judge may appoint a jury commissioner in each county to act in the place and stead of the Board of Supervisors.

3. Amend Section 1277 of the Code, to provide that in cases to be tried by jury selected from special venire, it shall not be required

that the accused shall have presented to him a full panel before being called upon to make his peremptory challenges. In such cases they may be presented to him one or more at a time, if, as, and when they are accepted by the state. It is believed that this will greatly lessen the time in selecting juries in such cases.

Other suggesstions have been made for changes in our procedure, but they appear to be embraced in the American Bar Association's recommendations already stated. After all, the will to enforce the criminal law must be that of the bar. It is our duty and resonsibilty to lead. The Legislature will be governed by the sound recommendations of this Association. They have already demonstrated their trust and confidence in this bar, and any program that has the full endorsement of this Association will, in my opinion, be enacted into law without delay. The bar cannot do it all. An aroused public interest must be manifested. The bar can take a leading part in providing the proper machinery and procedure, but the effectiveness of it will be determined by the average citizen's conception of, and desire for, law and order. In his hands are two of the most powerful agencies for a successful operation of the machinery, viz. the jury box and the ballot box.

Leadership is rightfully expected to come from this Association and it is our stern duty to speed up justice, simplify procedure and rid the profession of its unworthy members. Let the criminal be promptly apprehended, speedily tried and certainly punished and the problem of crime will be solved in Mississippi.

THE PRESIDENT: General Rice, I want to express you the appreciation of the Bar for this splendid paper and address. It has been very edifying. It covers a wide field, and is certainly important and apropos to the situation in Mississippi at this time.

The next thing on the program is our relation to the American Bar Association. The American Bar Association, as you have heard, and as you know, is doing a great work in the United States, and it is doing a great work in trying to interest and stir up the State Bar Associations. We have with us on this occasion a member of the Executive Committee of the American Bar Association, the highest place that any Mississippian yet that I know of has occupied in that body, and perhaps he got the most unanimous support in his election last week to this position. With his handicaps, no young man in Mississippi has surpassed, L. Barrett Jones, in the progress he is making in his profession, and I take pleasure in presenting to you Mr. Jones.

MR. L. BARRETT JONES: Mr. President, ladies and gentlemen, I shall not attempt a speech. I want to talk to my fellow lawyers on some subject matters that the American Bar Association is vitally interested in seeing that the state bars take part in. I believe the way to have a live bar association is to put the membership to work, and this Association has never scratched the surface of activity.

I take as my premise this afternoon this statement: There is a direct essential relationship between the American Bar Association and the Mississippi State Bar. Moreover, it is a vital, living relationship which neither association can ignore. The American Bar Association recognized that fact many years ago, and through its committee on coordination of the Bar and other committees, has been working to the end of

united action between it and the various state bars. I doubt seriously whether this Bar can say as much today. I have a list of its standing committees, and they show that we have been neglecting the field in which the American Bar Association is vitally concerned at this time.

Let us take the subject of legal education. Starting with a committee on that subject many years ago, the American Bar Association now has a section on legal education. The executive committee has appropriated for its work this coming year $8,000. It asked for $15,000. Through that committee, or that section, have come the standards of the law schools, to which our University Law School subscribes. Through that section and its work in conjunction with the association of the law schools has come the determination to drive from the American republic every substandard law school; and whether you believe it or not, and regardless of the services they may have rendered in the past, and nobody questions that, I say to you that the day is not far distant when every sub-standard school in this country will be forced to standardize or close its doors. The State of Mississippi has done little along that line since 1916. That was the last raking over of our statutes on the subject of legal education and qualifications for admission to the bar. This Association has no standing committee on that subject, so I am advised. There are two movements afoot in the field of legal education that I would like to see the State of Mississippi take a lead in. The first is, stop the law schools from advertising for law students. It is the determination of the American Bar Association to make it as unethical for a law school to advertise for students, as for a lawyer to advertise for business. The second is this: the day is not far distant when the applicant for admission to the law school must present a certificate from an authorized body of the State Bar, certifying that he has the back ground, the mental capacity and the natural aptitude for the study and practice of law before he can even get in the law school, much less get an opportunity to take an examination for license to practice. That is far reaching. You may not believe it is coming, but it is on the way.

The next subject I want to touch on is that of uniform state laws. Judge Sydney Smith has given you an under-estimated picture of the American Law Institute, I think,—the National Conference on Uniform State Laws is attempting to do with conflicts in statutory law what the American Law Institute is attempting to do in the restatement of the common law. Many states decided many years ago to put into their statutes some principles of the common law with variations to suit their own localities. The result has been complexity and conflict between state and state. It has been my pleasure to serve in that conference for ten years now. From it has come the Uniform Negotiable Instruments Law, the Uniform Warehouse Receipts Law, and one or two other laws which we have adopted. But we have been very slow to adopt those acts, particularly in the commercial field; and one reason today that so many people are going to Congress for legislation is the slowness of the state to adopt uniform legislation for the relief of business.

I hope this Association will appoint a committee to study those laws which have been recommended for passage, and ask our next legislature to pass such of them as the time seems right for. There are many

of them we can use; many are statutory statements and enactments not heretofore contained in any statute in any state. The American Law Institute has referred some subjects to us, and on the other hand the National Conference has referred to the American Law Institute certain questions which we have been asked to handle, where we deemed it best not to undertake a uniform statute but to leave it to the American Law Institute to make a uniform restatement of the general principles.

We do not have a committee on unauthorized practice of the law, and as little as we may stop to think of it, there is a good deal of it in the State of Mississippi, particularly by the justices of the peace and their satellites, the constables. As a matter of fact, as I see it, the justice of the peace system is a disgrace to the State of Mississippi. (applause). And this association can appoint a committee to go before the next legislature and ask for a constitutional amendment abolishing the office. But that is not the entire field of the unauthorized practice—we have banks and trust companies which are guilty of the same thing (applause). And we could well study the California Act, which put them out of business in that field.

Several years ago the American Bar Association appointed a committee that I referred to as the coordination of the bar. It has adopted what is known as the National Bar Program. The first four subjects presented to the state bars last year were: Criminal Law and Its Enforcement, Legal Education and Admission to the Bar, Unauthorized Practice of Law, Selection of Judges. Those four subjects will be continued this year with a fifth added,—Enforcement of the Professional Canons of Ethics.

I hope this association will appoint a committee to cooperate with the American Bar in the work of educating not only the lawyers, but the public on those subjects. The executive committee made a tentative appropriation last Saturday for this committee of $17,500 a year for three years, and we intend to go to the people with the program, not only through the daily press, but through the local country newspapers, and if we cannot get the local lawyer aroused to the necessity of the occasion, we expect to arouse the public. I hope that this Association will be among the leaders in educating not only its membership on this legislation, but its people along these lines.

I appeal for a close cooperation between this Association and the American Bar Association, for the united voice and far flung line of the American lawyer. I hope we can make that voice effective, for only in the effective unified voice of the American lawyer is there guarantee of property rights, individual liberty and constitutional government. (Applause.)

THE PRESIDENT: Thank you, Mr. Jones, for the splendid address on the relations and duties of the State Bar.

There are three subjects that are to be discussed, upon which you have heard papers: Annotations, Criminal Law Enforcement, and Relation of the American Bar to the State Bars. We have only five minutes before the adjourning hour. Does any one desire to make any point or discussion of any of these subjects? If so the opportunity is thrown open to you. I hear none.

We stand adjourned until tomorrow morning at 9 o'clock.

FRIDAY MORNING
September 7, 1934

THE PRESIDENT: The Convention will please come to order.

Gentlemen of the Bar, I congratulate you this morning on being able to be present after such an entertainment as you had last evening. The lawyers are late coming in. As we have a rather full program we cannot wait any longer and I think we had best begin with the program at this time.

The first item on the program is a paper by Mr. Barney Eaton. Mr. Eaton, after preparing his paper was taken suddenly ill, is ill now, and cannot be here and I am going to ask Barney Eaton, Jr. to present that paper to you.

MR. BARNEY EATON, JR.: Mr. President and gentlemen of the Bar Association, as a prefatory remark, I would like to say that this paper is not my work. My father considered it a great honor to be called upon to present this paper on recent legislation; because of his illness he is unable to be here, and I consider it a great privilege to "pinch-hit" for him. The subject is:

RECENT FEDERAL LEGISLATION

Mr. President and Gentlemen of the Bar Association:

Within the wisely determined time limit of thirty minutes, my assignment includes a discussion of recent congressional and state legislation and the Minnesota moratorium and New York milk decisions of the United. States Supreme Court. Many important measures must be omitted entirely, and the discussion of those touched upon must, of necessity, be brief and cursory. More time than could appropriately be allotted in a meeting of this kind would be required for a complete analysis of any one of the several subjects herein briefly outlined.

Congressional enactments and the court decisions will be considered first, because of their paramount importance and for convenience in treatment. Congressional legislation will be considered under the topics of Relief Measures, Regulatory Measures, and Judicial Code Amendments.

Relief Measures include:

1. The Federal Farm Mortgage Act of January 31, 1934.
2. Amendments to Home Owners' Loan Act of 1933.
3. The National Housing Act of June 27, 1934.
4. The Federal Credit Union Act of June 26, 1934.
5. The Silver Purchase Act of June 19, 1934.
6. The Amendment to the Tariff Act of 1930.

Regulatory Measures include:

1. The Communications Act of 1934
2. The Securities Exchange Act of 1934.
3. The Bankhead Act of 1934.
4. NRA Codes.

Judicial Code Amendments are:

1. The withdrawal of jurisdiction from United States district courts to enjoin rate orders of administrative bodies in reference to rates for public utilities (Title 28 USCA Sec. 41).
2. Authorizing the entry of declaratory judgments (Title 28 USCA Sec. 400).

3. Authorizing the Supreme Court to prescribe rules after conviction in criminal cases (Title 28 USCA Sec. 723a).
4. Authorizing the Supreme Court to prescribe rules for actions at law (Title 28 USCA 723b), and
5. may unite the general rules prescribed by it for cases in equity with those in actions at law, so as to secure one form of procedure for both (Sec. 723c).

RELIEF MEASURES

Federal Farm Mortgage Act

The Federal Farm Mortgage Act creates the Federal Farm Mortgage Corporation, capitalized at $200,000,000, all of which is subscribed by the United States. This corporation is under the control of the Secretary of the Treasury (or an officer of the Treasury Deartment designated by him), the Governor of the Farm Credit Administration, and the Land Bank Commissioner. It is authorized to issue its bonds, unconditionally guaranteed both as to principal and interest by the United States, in a sum or sums not exceeding two billion dollars, though the President is authorized to increase this sum to three billion dollars. This legislation is supplementary to previously enacted farm relief measures. Its principal function will be to refinance mortgage indebtedness and provide working capital for farm operations. It supplements the executive order of the President of March 27, 1933 reorganizing the agricultural credit agencies of the United States. The benefits of this legislation became almost immediately available, because the agencies through which it acts were already established and engaged in the performance of somewhat kindred duties. The details of the measure are somewhat extensive, but anyone desiring to avail himself of the benefits of the act would receive full assistance in so doing from those charged with its administration.

Amendments to Home Owners' Loan Act of 1933

The Home Owners' Loan Act of 1933 was designed to prevent foreclosure of mortgages upon the property of financially distressed debtors. It provided that the Home Owners' Loan bonds might be issued and substituted for the mortgage indebtedness but that the interest only on such bonds would be unconditionally guaranteed by the government. This limitation defeated the purpose of the act. Owners of mortgages that were deemed by them properly secured refused to surrender their security for a bond, the interest only of which was guaranteed. Consequently, many distressed home owners found themselves still confronted with the imminence of foreclosure, and an appeal was made to the federal government to enlarge its measure of relief. As a result, the last Congress amended the act and provided that the bonds of the Home Owners' Loan Corporation would be unconditionally guaranteed, both as to principal and interest, by the United States. Also, the original act limited the issuance of bonds to two billion dollars, and the amendment increased that limit to three billion. There was no need to set up new agencies for the administration of this act, since those already in existence were amply able to administer it. In fact, the administration of the act had been admirably conducted, when one considers the difficulties and limitations by which it was surrounded. Most prospective bor-

rowers are already familiar with the requirements of the act for participation thereunder.

The National Housing Act

This act creates a new federal agency and, in conjunction with the measure already discussed, seems to complete a far-reaching program for the relief of every type of meritorious oppressed debtor. The National Housing Act authorizes the President to create a Federal Housing Administration, the powers of which shall be exercised by an officer designated as the Federal Housing Administrator. The act provides for house renovation and modernization, mutual mortgage insurance, national mortgage associations, and the insurance of savings and loan accounts.

Under Title I the Administration is authorized to insure financial institutions against losses they might sustain by reason of loans or advances of credit made subsequent to June 27, 1934 and prior to January 1, 1936, but no single loan shall exceed $2,000. The total liability incurred by the Administrator under this title shall not exceed $200,000,000. Presumably this insurance is designed for the furnishing of credit for the repair of homes, though, except for the title, there is no indication in the section itself as to how it shall be used. It all rests in the discretion of the Administrator.

Under Title II the Administrator is authorized to insure mortgages offered him that he deems to be within the provisions of the act. The act does not limit the insurance to mortgages on homes, but this will likely be the principal type of mortgage insured. Insurance is authorized for mortgages existing on June 27, 1934 in the sum of one billion dollars, and on subsequent mortgages for a like sum. The President is authorized to increase this amount. The benefits of this act are extended, not only to prospective home building, but to the protection of home owners with existing debts that might result in foreclosures. The administrative details are too extensive for incorporation in this discussion, though it should be said that whenever a contingency against which insurance is issued happens, the Administrator will take over the mortgage, foreclose if necessary, and issue to the mortgagee an indenture bearing interest at not more than three percent per annum. The United States government guarantees the payment of the principal and interest on all debentures so issued.

It is recognized that the government will undoubtedly acquire from its insurance measures under Titles I and II large holdings in mortgages and real estate, and for the disposition of those holdings and also to facilitate the granting of credit where mortgages are not insured Title III authorizes the Administrator to provide for the establishment of national mortgage associations, which, under rules and regulations to be established by him, may purchase and sell real estate mortgages and borrow money for such purposes through the issuance of their own securities. The Administrator is the source of authority for the incorporation of such associations, and all their business is conducted under his supervision.

Title IV of the act creates as a government agency the Federal Savings and Loan Insurance Corporation, with a capital of $100,000,000, subscribed by the Home Owners' Loan Corporation and paid for in bonds issued by it in such sum.

It is the duty of the Federal Savings and Loan Insurance Corporation to insure the accounts of all federal savings and loan associations, and it may insure accounts not in excess of $5,000 for the benefit of any one individual of building and loan, savings and loan, and homestead associations and of cooperative banks organized under the laws of any state or territory. There is a fundamental difference in the principle underlying the National Housing Act and the other relief measures discussed. They contemplated the extension of credit directly by the government. The National Housing Act is designed for the extension of credit to qualified borrowers by other than governmental agencies. This act is an insurance to those extending such credit that the debts will ultimately be paid, if not by the borrower, then by the government. It is also designed to increase employment by encouraging owners to make necessary home repairs. The organization for the administration of this act has been completed and is now functioning.

Federal Credit Union Act

This is another measure designed to encourage saving and promote the extension of credit. There is nothing new in the underlying principles, as the act itself contemplates nothing more than the establishment of federal credit unions somewhat similar to those already existing in many states. The supervision of federal credit unions is under the Governor of the Farm Credit Administration, who is authorized to grant charters under this act to those complying with its provisions. There is no direct guaranty of the government under this act, but apparently its business would be insurable under the provisions of the National Housing Act.

Silver Purchase Act

The Silver Purchase Act recalls the tumultuous presidential campaign of 1896, though its enactment hardly created a ripple upon the surface of political waters. It reestablishes silver as a primary metal currency of the government. In fact, except for subsidiary coins, silver is now the only metal that circulates as money in the United States, for on January 30th Congress prohibited the coinage of gold, the circulation of which had been previously prohibited in 1933. The act contemplates that ultimately silver shall constitute one fourth of the monetary stock of the United States. The coinage of silver dollars is now authorized, and it will not be long until the silver dollar reappears in abundance. The President is authorized to determine the amount of silver that will constitute the dollar. The act also provides that silver certificates may be issued against silver bullion. The fear in some quarters that this would lead to dangerous inflation has, so far, no substantial foundation.

Amendment to Tariff Act of 1930

An economic measure from which much is expected in the way of stimulating foreign trade was enacted in this amendment. It authorizes the President to enter into trade agreements with foreign governments or instrumentalities thereof and to promulgate such modifications of existing duties as are required to carry out the terms of such agreements. The modifications may not exceed fifty percent of existing duties, and the act terminates June 12, 1937.

There is an interesting constitutional question in this act. It does not attempt to define what is a trade agreement. Apparently a foreign trade agreement might, if the President so determined, include the doing of many acts that are strictly political. Chief Justice Marshall in *Foster v. Neilson,* 2 Pet. 253, 7 L. Ed 415 (1829), remarked that "a treaty is in its nature a contract between two nations." Article II, Section II, Clause 2 of the Constitution provides: "He (meaning the President) shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." The question is: Is a trade agreement with a foreign nation a treaty? If it is, it would be invalid without the concurrence of the Senate. I simply ask the question. I shall have to pretend that time does not permit me to answer.

REGULATORY MEASURES

Communications Act of 1934

The Communications Act of 1934 sets up an entirely new commission for the regulation of wire communications, such as radio, telephone, telegraph, and cable. This act vests in the new commission full regulatory powers in reference to these matters. It embodies some of the features of the former Radio Act and takes from the Interstate Commerce Commission its jurisdiction under the Interstate Commerce Act to regulate telegraph and telephone companies. The principles of regulation heretofore pertaining to these agencies are not new, but, with some extensions of regulatory powers, they are now consolidated in this one gov ernmental department.

Of special interest to the bar of this state is the fact that a former member, Judge Eugene O. Sykes, is chairman of the new commission and Mr. Spearman, a former member of the Association, is its general counsel.

Securities Exchange Act of 1934

This act provides for the appointment of a commission with broad sweeping regulatory powers over stock exchanges. The details of its powers are entirely too extensive for incorporation here. The power of the government to regulate exchanges is based upon the following: protection of interstate commerce, protection and preservation of the national credit, protection of the national banking reserve system, and to aid the government in collecting federal taxes. It is likely that some or all of these are so related to the subject matter that any attack upon the act on constitutional grounds will be unsuccessful. The act embodies stringent regulatory measures and in connection with the Securities Act of 1933 places under the supervision of the federal government substantially the whole subject matter of the issuance and sale of securities. A rather novel additional ground for the exercise of this power is to prevent national emergencies, which result in dislocations in trade and industry, and extreme fluctuations in security prices and speculations, which impose on the federal government the expensive burden of caring for them. If the optimistic hope of preventing future depressions implied in that predicate is realized, it should prove to be the most valuable legislation ever enacted. However, it is likely that whether good, bad, or indifferent results follow will depend on the character of the supervision. If security manipulation is prevented, full information as to

the earnings, capitalization, and management of corporations whose stocks are listed on the exchanges is furnished, and a free, open market permitted, the results should be good. But if restrictions are so onerous as to discourage trading in listed stocks, it will tend to freeze what is now the most liquid source of credit, and the result would undoubtedly be bad.

The Bankhead Act of 1934

Of first importance to the South is the so-called Cotton Marketing Provision of the Agricultural Adjustment Act, popularly known as the Bankhead Act. This act is designed to limit the production of cotton to ten million bales, by the allotment of quotas, based on eighty percent of the five preceding years' average, and the imposition of a tax of fifty percent of the market value of cotton produced in excess of the quota, but not less than 5 cents per pound in any event. State quotas are first prescribed, then county quotas, and finally individual quotas.

The purpose of the act is stated to be "the restoration of the normal exchange in interstate and foreign commerce of all commodities" and "to raise revenue to enable the payment of additional benefits to cotton producers under Chapter 26 of this title." An attempt to strengthen the foundation for the exercise of this far-reaching power is the surprising legal pronouncement of the bill, viz: "It is prima facie presumed that all cotton and its processed products will move in interstate and foreign commerce." But this far-fetched and untrue presumption does not bridge the legal gap, nor does it reflect much credit on legislative integrity, even if the court should give it validity. However, it does show how keenly Congress recognized the need for some firm ground upon which to base the law, and, inferentially, it is an admission that if producing cotton is not an act of interstate commerce, the law must fail in so far as interstate commerce is an essential factor.

In *Crescent Cotton Oil Co. v. Miss.,* 257 M. S. 159 66 L. Ed. 166 (1921), the court held that the ginning of cotton is one element of processing that has to be completed before interstate commerce in cotton can begin, and, in *Hammer v. Dagenhart,* 247 M. S. 251 62 L. Ed. 1101 (1917), that manufacturing cotton into finished products is another element of processing that has to be finished before interstate commerce in the manufactured article can begin and that the power of Congress to regulate at all in the premises does not attach until after manufacture is finished. Presumably the reasoning of the act that if there is a depressing surplus of cotton there can be no satisfactory commerce in cotton or purchasing power of cotton growers; hence, the growing of cotton is so essentially connected with commerce in cotton and the ability of cotton growers to purchase other interstate goods or commodities its production may be properly made subject to regulation. The answer to that argument is found in the language of the opinion in *Hammer v. Dagenhart,* supra, viz: "The making of goods and the mining of coal are not commerce, nor does the fact that these things are to be afterwards shipped or used in interstate commerce make their production a part thereof."

Obviously doubtful of its power to limit cotton production under the commerce clause, Congress resorts to the well known and frequently abused expedient of taxation to accomplish indirectly what it cannot do

directly. But the difficulties here are equally great. Notwithstanding the language of the act, it is perfectly apparent that its purpose is not to raise revenue but to limit the production of cotton. The evident intent of the act is to prevent a production in excess of ten million bales because the excess would tend to defeat the purchasing power of the grower, yet the expected revenue is to be realized only from this excess production, which the act seeks to prevent.

Then, the plan of exemption is illuminating. It varies widely in its application to different individuals. To one farmer five bales may be exempt, to another, 100 bales, and to still another, 1000 bales. There is no attempt to exempt the same number of bales to each producer. Imagine, if you can, a real revenue measure, such as an income tax law, that would exempt from all taxation an income, for one man, of $50,000 and exact from another one half the excess of $350.00. Yet as a revenue measure this is precisely what could be accomplished. In the *Hammer v. Dagenhart* case, just cited, the court held unconstitutional an act of Congress, aimed principally at child labor in the Carolina textile mills, which denied the privilege of interstate commerce to products of factories in which child labor was employed. Later Congress attempted to procure the same result, namely, the abolition of child labor, by imposing a yearly tax of 10% on the net profits of an employer of child labor. Chief Jusice Taft held the second act unconstitutional, as an abuse of the taxing power (*Child Labor Tax Case,* 66 L. Ed. 617, 259 U. S. 20 (1922), saying "A court must be blind not to see that the so-called tax is imposed to stop the employment of children within the age limits prescribed. Its prohibitory and regulatory effect and purpose are palpable." The purpose and effect of the so-called Bankhead Act are equally palpable. It is an attempt to use taxation as a club to compel obedience to regulatory laws which under the Constitution Congress may not otherwise enforce.

Aside from legal considerations, the law undoubtedly enjoys popular favor at the present time. It has unquestionably contributed to the enhanced price of cotton and aided in the improved financial condition of the cotton belt. But we cannot yet see the end of the experiment. Today, the administration of the act may be in friendly hands. Tomorrow, it may not be, and then what disastrous oppression in allotting quotas may easily be practiced. What practical remedy is available for the small farmer who should find his allotment unfair? Though his livelihood is at stake, the cost of adequate defensive weapons is altogether beyond his means. What chance does he have against the impositions of a powerful government bureau? Of what value to him is the common good, if he is sacrificed in its realization? Where the right to live is involved, incontestable safeguards should prevail. It is no answer to say that governmental powers will be exercised benevolently and not abused. This is the argument always advanced to justify absolutism, and its fallacy has, time upon time, been established by human experience. The correct answer is that no government should be permitted at any time to dictate what useful crop I may sow upon my own lands and what I may reap. And, as another overhanging menace, some other day some Congress, in search of revenue, may, as is the case with tobacco, conclude that the cotton industry would be a suitable object for bona

fide, rather than pretended, taxation. *Then* we shall not find ten million bales exempt, but we shall unhappily find the precedent for the tax established by the South itself.

Nor is this all. If Congress has the asserted power to limit production, does it not have, for the same reasons, power to increase it? Suppose Congress thought the exigencies of commerce required twenty million bales instead of ten, would it not be able to step up production by the imposition of a tax of five cents per pound on all cotton a grower produced less than the allotted quota? Certainly political and economic serfdom lie in that direction. We have simply revived the essential elements of feudalism and are blindly hoping that the perversion of government may lead to no serious permanent injury.

Other cases in point, to which specific reference has not been made, are *Utah Power and Light Company v. Pfost,* 76 L. Ed. 1038, 286 U. S. 165 (1932), *McCray v. United States,* 49 L. Ed. 78, 195 U. S. 27 (1908), *Veazie Bank v. Fenno,* 19 L. Ed. 482, 58 Wall 533 (1869), *Hill v. Wallace,* 66 L. Ed. 822, 259 U. S. 44 (1922).

N. R. A. Codes

The NRA Codes, greatly multiplied during the past year, which under the National Industrial Recovery Act, are laws, are too vast and complicated for more than a passing reference. But, contrary to a very general idea, there is nothing new in the principles involved except the assertion by the federal government and the use of regulatory powers hitherto supposed to be entirely beyond its reach.

Essentially, in both economics and law, the NRA idea is a throw back to the industrial systems of mediaeval England, some five to ten centuries ago. You remember that, during those times, most trades were under the control of guilds, and feudalism was their evil companion. These guilds were very extensive. They determined who might engage in trade and, in general, directed the production, transportation, and distribution of goods and services. Many types of personal services were under their dominion. Naturally, being monopolies, abuses developed, and to prevent extortion and to make sure that all were served fairly and alike, an extensive system of regulatory laws came into existence. Most trades, businesses, and some professions thus become affected with a public interest and subject to governmental regulation and control. The tailor, the smith, the groceryman, the miller, the baker, and the surgeon, as well as the carrier, the innkeeper, the ferryman, and the wharfinger were in the category of regulated businesses.

Finally, with the increase of population and the development of inventions, competition outside the guilds began to spring up, and, except as to businesses of a public utility type, the guilds slowly lost control. Eventually, in most instances competition eliminated the necessity for regulation, and many industries for that reason passed from the category of regulated businesses. For several hundred years, and until 1933, competition has been regarded as a public safeguard, and laws have been enacted to preserve it. Now it is thought to be a menace, and we are witnessing the reenthronement of the guild and the amazing correlative effort of the federal government to regulate every phase of madern industrial life and business. But just here many students of our history and constitutional scheme of government become apprehensive. It may

be that regulated competition is necessary, but the power to regulate proceeds from police powers inherent in sovereignty, which, under the 10th amendment to the Constitution and, thus far, an unbroken line of decisions, in our system of government are reserved to the states and do not exist in the federal government unless specifically granted or necessarily implied. The power of Congress to regulate business is limited to the field of interstate commerce, and though this power has been broadly defined, every former effort to extend it to trades and businesses essentially local or confined within state limits has been defeated. Indeed, the Constitution of the United States limits the exercise of police powers even by the states. The Supreme Court in the *Oklahoma Ice Case,* 76 L. Ed. 747, 285 U. S. 262, decided March 21, 1932, held that not even a state could declare the business of manufacturing and selling ice affected by the public interest and subject to state regulation. Nevertheless the NRA Ice Code attempts to do this very thing, and its administrators presume to say, as Oklahoma was unsuccessful in saying, that in certain areas, as for example, Memphis and New Orleans, the existing facilities for the local supply of ice are sufficient and that no more ice factories may be built. The illustration could be multiplied many hundreds of times without exhausing the list of local businesses over which the federal government claims, and is exercising, the right of control. The butcher, the groceryman, the dairyman, the retail merchant, the local filling station, the local manufacturer, the beauty parlor, the barber shop, the hotel, as a few of many examples, all are within reach of this newly asserted power of federal control. It is true that, as to some of these, regulation has recently been suspended, but the suspension is attributed to expedience, not lack of power.

Many cases are on the way to the Supreme Court, and we shall probably soon have a clearer knowledge of the limitations of federal powers, if any exist. But, in the mean time, Congress having abdicated its functions as the law making body of the nation, we have an imperious bureaucracy, ruled over by men not locally known, not elected by, nor answerable to, the people, who at will, make, amend, and repeal the laws under which the descendants of revolutionary ancestors must seek now life, liberty, and pursuit of happiness.

JUDICIAL CODE AMENDMENTS

These may be briefly summarized. Provision has been made for the entry of declaratory judgments in the federal courts. This seems to be a distinct victory for the advocates of such procedure, and it is likely that many states, heretofore unconvinced, will fall in line.

An important amendment to the code is the withdrawal of the jurisdiction of the federal district courts to enjoin rate orders of regulatory bodies affecting public utilities. In view of the many decisions of the United States Supreme Court to the effect that Congress may at will prescribe the jurisdiction of inferior federal courts, it is highly probable that the constitutionality of this act will be upheld.

The appalling increase in crime moved Congress to authorize the Supreme Court to prescribe rules of procedure after conviction in criminal cases. It was expected that under such rules persons convicted of crime would not readily be allowed bail during the pendency of appeals and

thus be left free to commit additional crimes. The Supreme Court has prescribed these rules which may be found in the supplement to Title 28 U. S. C. A.

The two most important acts relating to federal court procedure are, first, one that authorizes the Supreme Court to prescribe rules for actions at law, as it has already done in equity causes. These rules have not yet been promulgated, but may be expected shortly after the convening of the Supreme Court at the October term. It is probable that these rules will standardize federal procedure for actions at law. Second, the one that authorizes the Supreme Court to combine equity rules with those in actions at law, so as to secure one form of procedure for both. There is no limit upon the power of the court to prescribe rules for actions at law, but for the combined rules for equity and law there is a limitation. Rules so prescribed shall not take effect until they have been reported to Congress by the Attorney General at a regular session and until after the close of such session. Evidently the purpose of this limitation is to allow Congress, if it wishes, to modify the rules or to prevent their taking effect, but in the event Congress takes no action, the rules so promulgated then become law after the adjournment of Congress. We are evidently moving rapidly toward one general type of procedure for equity and law cases, and we may reasonably anticipate a uniform, standardized federal court procedure before another meeting of this Association.

MINNESOTA MORTGAGE AND NEW YORK MILK CASES

Another assignment is a discussion of the recent decisions of the United States Supreme Court in the Minnesota Moratorium and the New York Milk Cases. (*Home Building & Loan Ass'n. v. Blaisdell,* 78 L. Ed. 255, and *Nebbia v. New York,* 78 L. Ed. 263.)

MORATORIUM CASE

Both these cases involve the exercise of police powers by the state. The moratorium case arose from the enactment of a law that extended the period of redemption in effect when the mortgage was executed and a foreclosure sale under its terms had been made. The constitutionality of the law was challenged as impairing the obligation of a contract. The Minnesota Supreme Court upheld the statute as an emergency measure, and its decision was affirmed by a five to four decision in the United States Supreme Court, Chief Justice Hughes delivering the opinion, Mr. Justice Sutherland, the dissenting opinion. In lieu of the possession of the property sold, which the purchaser under the laws in effect when the mortgage was executed would have been entitled to, the moratorium law prescribes that under appropriate court proceedings rent should be allowed. This was done in the lower state court.

The Chief Justice prefaced his opinion with the remark that "While emergency does not create power, emergency may furnish the occasion for the exercise of the power." He, then likened conditions produced by the depression to conditions produced by natural phenomena, such as floods, fires, and earthquakes, argued that the power of the state to deal with such catastrophes, admittedly creating emergencies, was likewise available in a time of economic depression. He apparently considered severe economic depressions in peace times as analagous to acts of God. The opinion also refers to other admitted state powers that have the effect of impairing

or abrogating contracts, such as the prohibition of lotteries, the sale of intoxicating liquors, the prevention of nuisances, and the like, and concludes that "the economic interests of the state may justify the exercise of its continuing and dominant protective power notwithstanding interference with contracts." The Chief Justice referred to the fact that the power of the state to restrict contracts, because of its paramount economic interests, had been upheld in reference to the temporary housing shortage, largely created by and attributable to the World War.

Perhaps the most startling conclusion of the Court is the rather plain implication that the Constitution is not to be construed according to its meaning when adopted, but according to the vision of the day—that is, its meaning or its application is transitory,—for the Court said: "It is no answer to say that this public need was not apprehended a century ago, or to insist that what the provision of the Constitution meant to the vision of that day it must mean to the vision of our time." To understand the import of these words, we must remember that the Court was not applying old constitutional principles to new conditions, but new constitutional principles to old conditions, for depressions are as old as man, and one existed when the Constitution was adopted.

Mr. Justice Sutherland very forcibly pointed out this fact in his dissenting opinion. He reviewed economic conditions, existing between the close of the Revolutionary War and the adoption of the Constitution, and showed that, not to obviate, but to correct, the deplorable conditions then resulting from economic causes, the unimpairment clause of the Constitution was adopted and specifically designed to prevent contract impairments during distressful economic conditions. Furthermore, he cited cases similar to the one under consideration, in which the Court had held unconstitutional state legislation designed to impair contracts during the depression years following 1837 and 1893. He insisted that "as long as it 'the Constitution' continues to exist in its present form, it speaks not only in the same words but with the same meaning and intent with which it spoke when it came from the hands of its framers, and was voted on and adopted by the people of the United States."

He admitted that the states have power to impair contract obligations such as pertain to gambling, lottery, and intoxicating liquor, but pointed out that such businesses were made unlawful in advance of the impairment, whereas in the instant case the subject matter of the contract remains lawful notwithstanding its impairment, the materiality of which was canceled. As to the rent decision, he stated that the doctrine has already been pushed to the very limit of constitutional inhibition and should not be further extended.

To the emergency argument he replied: "I can only interpret what is said on that subject as meaning that while an emergency does not diminish a restriction upon power, it furnishes an occasion for diminishing it; and this as it seems to me, is merely to say the same thing by the use of another set of words, with the effect of affirming that which has just been denied." He agreed that some emergencies, such as war, give rise to the exercise of special powers but argued that the Constitution specifically gives the right, when such occasions arise, to exercise the power. "But," said he, "we are here dealing not with a power granted by the federal Constitution but with the state police power, which exists

in its own right. Hence the question is not whether an emergency furnishes the occasion for the exercise of that state power, but whether an emergency furnishes an occasion for the relaxation of the restrictions upon the power imposed by the contract impairment clause." He concludes: "That clause restricts every state power in the particular specified, no matter what may be the occasion."

To the argument that the payment of rent might be considered a fair substitute for possession, he said: "The ownership of the property to which petitioner was entitled carried with it not only the right to occupy or sell it, but, ownership being retained, the right to the rental value as well. So that, in the last analysis petitioner is allowed to retain a part of what is its own as compensation for surrendering the remainder."

When you consider the vastness of the area comprising the United States, the likelihood that in some of the states there will always be subnormal conditions, and the fact that each state, as a sovereign, possesses police powers, with the resultant probability that hereafter the Constitution as formerly understood will not have universal application, there are many who will agree with Mr. Justice Sutherland in his statement, "Few questions of greater moment than that just decided have been submitted for judicial inquiry during this generation. He simply closes his eyes to the necessary implications of the decision who fails to see in it the potentiality of future gradual but ever advancing encroachment upon the sanctity of private and public contracts."

New York Milk Case

The legislature of New York in 1933 passed a law which delegated to a commission of three men the power to fix the price of milk. Pursuant to the law the commission fixed a minimum price, namely, nine cents a quart, below which it was made a criminal offense to sell milk. Nebbia was a small groceryman, and he violated this order by giving a five cent loaf of bread with each two quarts of milk sold for eighteen cents. He was prosecuted and convicted urging in his defense that the law denied him the equal protection of the laws and due process secured by the 14th amendment. The court divided in this case as in the Moratorium Case, Mr, Justice Roberts delivering the opinion of the Court, Mr. Justice McReynolds the dissenting opinion.

Mr. Justice Roberts pointed out that the milk industry in New York had long been subject to legislative regulation and discussed at some length the exercise of police powers by states, which, though abrogating private rights and contracts, had been upheld. He concedes, at least by implication, that the fixing of prices, except for a public utility, had not previously gone as far as the case under consideration, and he remarked, "We may as well say, at once, that the dairy industry is not, in the accepted sense of the phrase, a public utility," and "those engaged in the business are in no way dependent upon public grants or franchises for the privilege of conducting their activities." However, he holds that "if, as must be conceded, the industry is subject to regulation in the public interest" no constitutional principle prevents the state, if it deems it necessary, from fixing prices. This, he states, was established in the *Munn Case,* 24 L. Ed. 77, 94 U. S. 113 (1877). He places milk in the

same general class as grain, and equally subject to regulation, remarking that "many other decisions show that the private character of a business does not necessarily remove it from the realm of regulation of charges or prices" and concluding with the sweeping statement, "So far as due process is concerned and in the absence of other constitutional restrictions, a state is free to adopt whatever economic policy may reasonably be deemed to promote public welfare, and to enforce that policy by legislation adapted to that purpose." The opinion does not discuss the decision in the *Oklahoma Ice Case, supra,* decided two years before, which denied the state the right to regulate the ice industry. But the states have, according to the opinion, the same right to prevent wasteful competition that they have to promote competition by laws aimed at trusts and monopolies. Since the Oklahoma law was, in effect, designed to prevent wasteful competition in the ice industry, it is difficult to harmonize these two decisions.

The New York Court of Appeals, whose decision was affirmed, based its decision on the findings by the Milk Commission—that milk was selling too cheaply and that, thus, a temporary emergency existed.

Mr. Justice McReynolds took sharp issue with the controlling opinion. He strikingly stated the issue thus: "Our question is whether the control act, as applied to appellant through the order of the Board deprives him of rights guaranteed by the 14th amendment. He was convicted of a crime for selling his own property—wholesome milk—in the ordinary course of business at a price satisfactory to himself and the customer." He referred to numerous cases in which the court has emphatically declared that a state lacks power to fix prices in similar private transactions," and concludes: "The argument advanced here would support general prescription of prices for farm products, groceries, shoes, clothing, all the necessities of modern civilization, as well as labor, when some legislature finds and declares such action advisable and for the public good . . . and if it be now ruled that one dedicates his property to public use whenever he embarks on an enterprise which the legislature may think it desirable to bring under control, this is but to declare that rights guaranteed by the Constitution exist only so long as supposed public interest does not require their extinction. To adopt such a view, of course, would put an end to liberty under the Constitution."

Mr. Justice McReynolds next points out that the milk law did not prescribe prices at which producers would sell, nor did it limit the production of milk and that to fix the selling price by milk distributors or storekeepers had no reasonable relationship to those two factors. He stated that the law, as applied, not only interfered with the rights of the little grocer to conduct his business, but took away the liberty of 12,000,000 consumers to buy a necessity of life in an open market. With feeling he exclaimed: "To him with less than nine cents it says—You cannot procure a quart of milk from the grocer although he is anxious to accept what you can pay and the demands of your household are urgent! A superabundance; but no child can purchase from a single storekeeper below the figure appointed by three men at headquarters!"

The lower court stated that the act would not have been upheld by a former generation but that to aid the producers of milk more liberal constructions should now prevail. The dissenting Justice retorted: "The

legislature cannot lawfully destroy guaranteed rights of one man with the prime purpose of enriching another, even if for the moment, this may seem advantageous to the public. And the adoption of any 'concept of jurisprudence' which permits facile disregard of the Constitution as long interpreted and respected will inevitably lead to its destruction. Then, all rights will be subject to the caprice of the hour; government by stable laws will pass."

It cannot be questioned that these two decisions, if not greatly modified and restricted in future cases, release practically all brakes upon the exercise of state police powers. But what of the impending conflicts between the states and the federal government in their separate pursuits of regulatory powers. If, under the Bankhead Act, the regulation of the growing of cotton, and if, under the NRA codes, the supervision of trades, may be assumed by the federal government, does that not automatically eliminate state regulatory owners? The principle is a familiar one, that the occupancy by the federal government of any field of jurisdiction delegated to it ousts the state's occupancy. If, under the agricultural adjustment act, the federal government should prescribe regulations for the sale of milk in New York, what would become of the principle established in the New York Milk Case? These troublous times are not only producing financial distress—they are producing confusion of thought and dangerous governmental experimentation.

THE PRESIDENT: There is an important matter that has been presented to me—it is the case of Judge Everett versus Ben McFarland for stealing his hat last night, and I have determined that this court has no jurisdiction of the case.

We will next have a paper by Judge T. C. Kimbrough, Dean of the Law School of the University. I have the pleasure of introducing Judge Kimbrough.

JUDGE KIMBROUGH: Mr. President, ladies and gentlemen of the Mississippi State Bar, our President has asked me to discuss something of our State Law School, and suggested possibly that the Bar might be interested in what we were doing in the way of instructing the law students of the school along the lines of legal ethics. We have thought it well, therefore, to sketch for you just what we are doing in the school in the way of teaching legal ethics.

Gentlemen of the Mississippi State Bar, I assure you it always affords me the keenest pleasure to discuss before you matters concerning the law school.

In all of our efforts to build a better and more efficient school, one that would more nearly meet the requirements of modern conditions, I have always found a ready and sympathetic desire on the part of this great organization to render every possible assistance.

This warm and understanding sympathy and complete readiness to assist has strengthened our hands for the task and lent encouragement to go forward in the face of obstacles that at times seemed almost impossible to overcome.

In order to increase and heighten the interest of the law students, you have from time to time offered prizes for excellence in various phases of our work. Frankly, but for your generous and effective help, the school could not have attained the high position which it today

enjoys among the great law schools of this country. There is yet much more to be done, and we confidently rely upon the continued interest on your part in our efforts to place the school upon a footing where it will function most efficiently.

When you first turned your attention to the law school and its work, the school had no standards, the work done by its students received no recognition at the hands of the great law schools of the nation. Today, I am pleased to report that the work of our students is recognized and full credit will be given for it by every law school in the nation.

Students in your law school who have completed the three year course and wish to do graduate work in some one of the major law institutions of the country, find ready entrance into these schools. In fact, our best students are being offered scholarships to enable them to do graduate work.

The authorities of several of these major institutions who limit the number of their student enrollment, have advised me their doors are always open to our students. I mention these things in no spirit of braggadocio, but in order that you, the members of the State Bar, may know that your encouragement and assistance have not been fruitless and in vain. The splendid new law building on the campus of the University stands as a monument to the constructive work accomplished by this Association.

I would not have you think, however, we have reached our goal. There remains yet much to be done. In passing, I mention the need of a larger law library. Progress has been made as to this particular matter within the last ten years, the library has been increased from six thousand to twelve thousand volumes. We need and should have at least twenty-five thousand volumes, in order to give our students, who are inclined to do research work, a source to which they may turn for information. It is needed also in order to supply the requirements of the lawyers of the state who should have at hand a well rounded library which they can readily utilize, when their needs extend beyond their private libraries.

A library of twenty-five thousand volumes is moderate as compared with libraries maintained by the large law schools of the country. Northwestern has a law library of one hundred thousand volumes; Yale and Harvard, around four hundred thousand volumes each. These immense libraries supply all the possible needs of those engaged in any phase of research work.

It is today recognized that the strength of any law school lies first in its library equipment, and secondly in its faculty, these two factors are the all important features of the modern law school.

I desire, here, to express my deep appreciation to those members of the Bar who have contributed valuable additions to the library. I might mention the contribution made by Judge Valiant of St. Louis, Missouri, who gave to the school his entire library of valuable books. Judge Valiant was a native Mississippian, a graduate of the University of Mississippi Law School, who achieved distinction as a lawyer at the Bar, and as a judge on the Bench in his adopted state of Missouri. I desire also to thank the firm of Percy & Percy of Greenville for many volumes of books generously donated. Other lawyers of the Bar have from time to

time made contributions which have been gratefully received, among these, I might mention Hon. John Brunini of the Vicksburg Bar.

The Bar of the state can contribute in a large way in assisting us to build such a library as we should have, if they will make gifts, as occasion may offer, of books to the school. Any lawyer retiring from the practice, or who might wish to leave by will his library to the school will thereby create a memorial in the library, as such gifts and donations will be given perpetual reminders by proper cards or placques. If members of the bar possess old and worn, but valuable, law books we will be happy and pleased to receive them. A well bound book will be kept in the library in which will be inscribed the names of all persons making gifts to the library, together with a list of the books contributed.

I therefore take this occasion to appeal to members of the bar, whether graduates of the school, or not, to assist us in a large or small way, in building the library needed. Any gift, large or small, will be gratefully received.

I further take pleasure in reporting to you that commencing with this session of 1934-35, the school will have for the first time a full time librarian, whose duty it will be not only to serve the students in the law school, but all lawyers in the state who may wish to use the library for research purposes. And I now extend to the lawyers of the state a most cordial invitation to make use of the library. We have ample room and provisions for the use of the library by visiting lawyers, and they will in no sense disturb, or be disturbed, by the fact that the school is in operation when they desire to work in the library.

THE TEACHING OF ETHICS

Primarily, my appearance on the program, at the request of Judge Price, the President of the State Bar, is for the purpose of giving information as to what is being done in the law school, in the way of training the student in the school, who, tomorrow will be a practicing lawyer at the bar, in those fundamental matters concerning the proper conduct of the lawyer in doing his work when he comes to the bar.

I may state to you that law school authorities are not by any means in harmony as to the teaching of what is termed the ethics of the profession in the law schools. The division of thought on the subject seemingly grows out of the meaning attributed to the term *ethics*.

Those schools and authorities who do not give the subject a place in their program of instruction, say that fundamentally the matter of ethics concerns more nearly the moral conduct of the lawyer, hence pertains to character, and it is no part of the work of the law school to attempt to create, or may it please, formulate the moral character of students while in the school. That the law school seeks to eliminate by entrance restrictions, as far as it is practical to do so, would-be students who do not possess good moral character, and to discharge from the school those students who give evidence of want of character, after they enroll in the school, that having done these things they have effectually discharged their duty to the profession in this respect. They argue that the primary business of the law school is to train, in the best and most efficient way possible, the student for the work as a practicing lawyer at the bar, or as a teacher of law in the class room.

To my own mind the foregoing is decidedly too narrow a conception of what is meant by the ethics of the profession. It has a broader and more comprehensive meaning and easily embraces a field which properly and logically falls within the sphere of the work of the law school. I quite agree with the idea that it is no part of the work of the law school to attempt to give the students a good character if he is deficient in that respect, and I agree that as to fundamental things, such as honesty and integrity, the law student needs no training and can be given none. If he possesses character, he will naturally and inherently know without being told, what acts are honest and what acts are dishonest, and unworthy of an agent of the courts of justice in the administration of his functions as a lawyer.

However, there are many decidedly important matters and things connected with the practice of the law, where integrity, honesty, and good faith in the work of the lawyer are not as directly involved, but where good taste, prudence, and better practice is more nearly the question at issue. Here, I feel, the law school can be of help to the student in pointing out to him the road which will steer him away from paths which create and raise up for him temptations not to follow assiduously the well-beaten highway of correct conduct.

I will briefly sketch for your information the approach to the subject as given by the law school.

1. It is thought best to give the student a background, as it were, from which to work. With this in view, a study is first made of the English Judicial System. This involves a study of the different courts which go to make up the system, the work, power and jurisdiction of each; and, all as correlated to the Lord Chancellor, the administrative center of the Judicial system. Then a study is made of the practice and procedure in the English courts, its flexibility, advantages, and the speed resulting from the use of such procedure.

A study is then made of the training and preparation made by the English lawyer for his work at the bar—attention being called to the difference in the status of the English Attorney, Solicitor and Barrister, and the conception which each has of his duties and obligations to the public, the government, and to the courts.

Then follows a study of the American State and Federal Judicial system of today. In this study in included a brief survey of administrative and quasi judicial tribunals.

2. A study is made of unified courts and judicial councils in America and England, pointing out especially at this place, the rule making power given by parliament to the English courts, which has resulted in a most flexible system by which congestion of the trial dockets is prevented, and speed and efficiency obtained in handling all cases of every kind coming before the courts.

Attention is called to the progress made within recent years in America in the creation and establishment of judicial councils in a majority of the states, together with work being done by other agencies to place our courts on a basis where they may free themselves from the charge of almost wanton delay in performing their functions to the great detriment of the public good.

3. Considerable time is devoted to a study of the different kinds of bar organizations throughout the country. In this study is included the so-called selective, Voluntary Bar Associations, Federated Bar Associations, and, last, the Incorporated Bar Associations, such as ours. The student, by reason of this study, has in mind a well-defined idea of the organizations of the bar in the nation and states, and this, before he goes out into the actual practice of the law. His mind being informed as to what is being accomplished through the bar organizations, the purpose, aims and notions of these organizations, and the duties and obligations which the lawyer owes to them. The student is thereby prepared to take part in this work of the bar and naturally and understandingly goes into the bar organizations when he is admitted to the practice. He looks upon and regards the maintenance of the bar organizations as a part of his business as a lawyer.

4. Some study is made of the matter of admission to the bar, that is, the qualifications necessary and essential for admission, stress being laid first upon moral character, and second, upon proper educational preparation.

Attention is directed to the fact that it is in line with an enlightened public policy of a state to admit no person to the practice of the law unless he possesses an upright moral character, that the possession of this by the attorney, is far more important, if anything, to the public and to the proper administration of justice than legal learning. Legal learning may be acquired in after years, but if the applicant passes the threshold of the bar with a bad moral character, the chances are that his character will remain bad, and that he will become a disgrace instead of an ornament to his great calling—a curse instead of a benefit to his community. The student is urged to do his work in the school upon a high plane, and to frown upon any fellow class associate who might seek an undue advantage in doing his work, and that it would be far better to deny to such student admission to the bar and thus avoid the unpleasantness of subsequently dealing with him as an unethical member of the bar.

In respect to admission to the bar, the duties of the lawyer are pointed out to the student; namely, that he is sought as an advisor and counselor, and his advice, in its last effect, comes to every man's fireside. Many and varied interests are committed to his care; he is the recipient of trust and confidence; he deals with his client's property, his reputations, and good name, and at times his very life. The attorney is a sworn officer of the court, an agent of the court, whose chief concern, as such, is to aid the court in the administration of justice.

If the agents and officers of the court are corrupt, the whole machinery of the court system will fall into disrepute and no citizen will entertain respect or esteem for them.

The student is advised that the lawyer has an unparalleled opportunity to assist in determining and fixing the moral tone of the interest and business life of his community. Take, for example, where business interests of one community are pitched upon high ideals, another with low standards, and there will almost always be found a difference between the bars of the two communities. The student mind is impressed with the fact that it is of supreme importance, that one who aspires to

the high position of an attorney, an agent to assist the court in administering justice, should be of upright character, and should hold and deserve to hold, the respect and confidence of the community in which he lives and does his work as a lawyer; and, in the language of a great judge, "While not mentioned as a pre-requisite, it may be stated that no one should seek to enter the legal profession, 'in its nature the noblest and most beneficial to mankind, in its abuse and debasement, the most sordid and pernicious,' who does not understand its high mission or who does not feel its essential nobility. It is neither a place of refuge nor a reformatory for those who have stumbled in other fields."

5. The student is taught that the lawyer is subject to discipline by the courts of the land. They and they alone have the right to say who shall remain as a member of the bar. This power of discipline is not a power that can be exercised in an arbitrary manner, but, exercised in the light of the public good, reason and justice to the public and the legal profession. He is taught that membership in the bar is a privilege burdened with conditions. No lawyer who violates wilfully the canons of ethics of the profession may expect or hope to retain the privilege conferred by law upon him. No individual, who by personal conduct, in or outside of his duties as a lawyer, which bring reproach upon his noble profession can expect to enjoy the privilege, nor should he be permitted to do so.

We are told by Holdsworth in his *History of the Laws of England,* that if a barrister was suspected of misconduct, the benchers of his Inn might inquire into his behaviour. There was at that time but little occasion for controversies as to discipline to be brought before the judges, unless the benchers failed in the performance of their duties. In case they did fail, a supervisory power by the courts was ever in reserve. Holdsworth tells us the barristers were regulated with minute particularity, even in matters so personal as the growth of their beards or the cut of their dress. American Associations of lawyers and courts have not gone quite so far in the supervision of the members of the bar, but as stated by Judge Cardozo, in *People ex. rel. Karlin v. Culkin,* 248 N. Y. 465, "if the house is to be cleansed, it is for those who occupy and govern it, rather than for strangers, to do the noisome work."

The Illinois Supreme Court, long ago held that it possessed inherent power to prescribe not only educational and moral qualifications of applicants for admission to the bar, but also power to discipline attorneys for misconduct. The student then is fully advised, while yet in the class room, that when he comes to the bar his privilege to practice and continuance in the practice is conditioned upon his proper conduct both as a citizen and lawyer.

6. The manner of getting law business is given considerable attention, and the question whether it is ethical for the lawyer to advertise discussed. It is pointed out that the standing of the profession has been cheapened in many instances where the unscrupulous attorney has sought to advertise his works, much as a patent medicine vendor calls the attention of the public to what he has to sell. For instance, in the *Schnitzer Case,* 33 Nev. 591, an attorney caused to be published in a San Francisco theater program the following: "Divorce laws in Nevada: Have

you domestic troubles, are you seeking a divorce? Do you want quick and reliable action? Send for my booklet. Contains complete information Free—Shortest Residence—Address—Counselor P. O. Box 263, Reno, Nevada. Correspondence strictly Confidential." This man was promptly disbarred and the court, discussing the question, of advertising for business, said: "The ethics of the legal profession forbid that an attorney should advertise his talents or skill as a shopkeeper advertises his wares. When the courts grant a license to a person to practice law, the public, and every individual coming in contact with the licensee in his professional capacity, have a right to expect that he will demean himself with scrupulous propriety, as one commissioned to a high and honorable office. A person enjoying the rights and privileges of an attorney and counselor at law must also respect the duties and obligations of the position."

A full discussion is had of the hurt accruing to the profession by what is commonly known as ambulance and hearse chasing, the payment of advance costs of legal proceeding in personal injury cases, and the assumption of the payment of hospital bills as an inducement to employment, the giving of bail for parties under arrest and in jail, and underbidding the accepted or published schedule of rates. Such methods are condemned as unprofessional, and anti-social, and the student is made to realize fully that such practice is not only reprehensible, but brings discredit upon a noble profession, and at the same time cheapens the offender in the eyes of all good business men in his community. However, he is taught that the right to practice his profession of necessity must include the right to use all proper and lawful means requisite to the attainment of success; that it is not reprehensible or censurable for a lawyer to desire a lucrative practice or hope for a substantial monetary reward for his labors. The fees of the ancient advocate were "Honoria non merces," but in the state and throughout the nation a lawyer may legally contract with his client for the payment of a fee, and the payment of lucrative fees. A more or less full discussion is had of the subject of contingent fees.

7. The subject of confidential or privileged communications between attorney and client is covered in the course given, and the student's mind impressed with the common law and statutory provisions of the necessity of the attorney's maintaining inviolate at all hazards the matters and things of a proper nature revealed to him by his client. It is distinctly explained and emphasized that where an attorney is consulted for the purpose of obtaining advice as to the perpetration of a fraud, or in aid or futherance thereof, the communications made to him by one having such purpose in view are not privileged; that it is the sworn duty of the attorney to act in conformity with the laws of the state and nation in force, and in no way endeavor to violate them, or to act directly or indirectly in their violation. One of the principal obligations which binds an attorney is fidelity. This obligation is a very high and stringent one. It is also the attorney's duty to protect his client in every possible way, and it is a distinct and most reprehensible violation of that duty for an attorney to assume a position adverse or antagonistic to his client without the latter's free and intelligent consent, given after knowledge of all the facts and circumstances.

By virtue of this rule, an attorney is precluded from assuming any relation which would prevent him from devoting his entire energies to his client's interests. Nor does it matter that the intention and motives of the attorney are honest. The rule is designed, not alone to prevent the dishonest practitioner from fraudulent conduct, but, as well to preclude the honest practitioner from putting himself in a position where he may be required to choose between conflicting duties or be led to an attempt to reconcile conflicting interests, rather than to enforce to their full extent the rights of the interest which he should alone represent.

The student is therefore advised and instructed that conscience and good morals dictate that an attorney should not so conduct himself as to be open to the temptation of violating his obligation of fidelity and confidence.

The foregoing is thoroughly in line with the reasoning and thought of our own supreme court whenever the problem has been before it, and also in line with our canons of ethics.

8. The student is cautioned and instructed as to how he should deal with the money of his client coming into his hands. He is advised that the improper and unwise use and handling of the money of clients has been the source of a great deal of criticism levelled against the bar. He is told that absolute honesty and fidelity to trust are and *must be* indispensable elements in the lawyer's character, that when he shows himself unable to resist the urge to misuse his client's money, he should be deprived of the office and privileges of a member of the bar. The public, clients, and all others having business with the lawyer in his professional capacity or private, for that matter, have a right by reason of the high position he occupies, to expect that he will demean himself with the most scrupulous propriety and honesty. Attention is called to the canon of ethics on this particular point.

The student frequently propounds this question. Is there justifiable and unjustifiable litigation? Should a lawyer undertake the defense of a criminal case when he is of the opinion the defendant is guilty as charged in the indictment?

It is believed the proper answer to the problem is, that the lawyer should decline to conduct a civil cause, or to make a defense when convinced that it is intended merely to harass or to injure the opposite party or to work oppression or wrong. But otherwise it is his right, and, having accepted a retainer, it becomes his duty, to insist upon the judgment of the court as to the legal merits of his client's claim.

In the case of the defense of one accused of crime, it is the right of a lawyer to undertake the defense of a person accused of crime, regardless of his personal opinion as to the guilt of the accused; otherwise, innocent persons, victims only of suspicious circumstances, might be denied proper defense: Having undertaken such defense, the lawyer is bound by all fair and honorable means to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty but by due process of law. I have here but restated the New York State bar canons of ethics on this point.

9. The student is given instruction as to his conduct in dealing with jurors, the judge of the court, and the witnesses.

He is told it is the duty of counsel to keep away from jurors when out of the court room during trials and not to converse with them beyond the exchange of the usual salutations, that they are bound to the highest honor and integrity, and the utmost good faith in the trial of cases. In *Poindexter v. State,* 109 Ark. 179, an attorney invited a juror and a deputy sheriff into his room and gave them a drink of liquor. This was held sufficient to warrant a conviction of all three for contempt of court.

A conversation with the juror in or out of court without permission of the trial judge, and under his direction, is good ground for a charge of contempt of court.

The most dangerous form of influence is that which brings jurors and parties, or counsel into familiar intercourse, which offers opportunity for insidious and indirect means of persuasion and conciliation.

It may be no harm is intended, but it is not always easy to tell whether there is or not. It is dishonorable for an attorney to seek an advantage in this way, and if he wilfully persists, he should be disbarred.

The student's attention is called to the nefarious practice prevalent in some sections of the country of what is commonly known as "jury fixing," that is, a conscious effort on the part of counsel directly or indirectly, in an unlawful or improper manner to secure on the panel a juror or jurors who will favor his side of the case. There is absolutely no excuse or justification for such practice. All that any lawyer should ask for his client is a fair and impartial jury, selected and empanelled according to law. Such practice will sooner or later undermine the very foundations of justice in the courts and make of law a byword. No honorable lawyer will knowingly, directly or indirectly, be a party to such conduct.

The student is taught that his court manners should be without criticism, deferential at all times to the court, even when the court rules against him, under the most trying conditions.

The deportment towards opposing counsel should be courteous,—some lawyers seemingly go about in a most deliberate way, in the conduct of litigation to do and say things which are offensive to opposing counsel.

Neither court, nor jury, nor spectators approve of such conduct. Counsel can do everything humanly possible to protect his client's interests and secure for him every advantage the law gives to him, and yet exercise the greatest deference and courtesy towards opposing counsel. Bulldozing tactics towards an opponent are a discredit to a lawyer, and no really great lawyer will resort to them. It is the client's, not the attorney, who are litigants; and whatever the ill feeling between clients, it is unprofessional for lawyers to partake of it. The utmost courtesy consistent with duty should be extended to an honorable opponent.

As far as possible, important agreements, affecting the rights of clients, should be reduced to writing, but it is dishonorable to avoid performance of an agreement fairly made because it is not reduced to writing, as required by the rules of court.

In conclusion, Gentlemen of the Bar, you may feel secure in the thought that the law school is using its best endeavors to stimulate an enthusiasm and desire in the minds of the students to imbibe the patriotism, the love for the state, nobility of the bar, and the lofty virtues ex-

ercised in the practice of the law by those great Mississippi lawyers whose lives and work glorify the annals of Mississippi legal history, and whose fame and renown spreading far beyond the boundary lines of the state, made of them national characters. Even to mention their names and accomplishments sends a thrill of pride to the hearts of every true Mississippian. I reverently refer to such lawyers as Prentiss, Geo. W. Poindexter, Albert Gallatin Brown, Sharkey, Wiley P. Harris, Lamar, the lion hearted, George, the great commoner, Walthall, the Knightly Fewell, Catchings, Chalmers, Campbell, Albert Hale Whitfield, Charlton Alexander, Leroy Percy, and many others, too numerous to mention, whose names shine like stars in the galaxy of great men who composed the bar of the past.

If our young men, coming to the bar, will but worship at the shrine of these men and partake of their love and zeal for the honor of the profession, the integrity of the Mississippi Bar will be safe and secure for generations to come.

THE PRESIDENT: As you gentlemen know, the Bar Commission is practically publishing the Law Journal. We have the Editor with us this morning in the person of Mr. Charles Tindall.

MR. CHARLES S. TINDALL: Mr. President, ladies and gentlemen, I have been granted a few minutes in which to make, as Editor of your legal publication, the Mississippi Law Journal, a few brief statements with regard to that publication.

First, because it is a matter of primary importance, and because it will probably be tedious to you, I would like to give briefly the receipts and expenditures of the Journal during the past year, and to follow that with a statement of the estimated expense of printing the Journal for the coming year. I invite your attention to a report which has been submitted to the Secretary-Treasurer of the Bar:

Amount deposited in bank during year 1933-1934	$1682.17
Amount drawn out of bank during year 1933-1934	1682.17
Amount left on hand at end of year, May 1934	.98
Amount left on hand from Volume V	27.21
Indebtedness left from Volume V	25.02
Residue	$ 2.19

(Note: The amounts given above for deposits and withdrawals, include the amounts left from Volume V, both credit and debit, and also some paid out through the Law Journal by the University Library for book binding, which funds were never actually ours and cannot be considered as part of the years' financial transactions. The figures given below, show the actual sums received on the 1933-34 publication, and the actual sums taken in during that year.)

Receipts during year 1933-34 (Volume VI only)	$1621.54
Expenditures during year 1933-34 (Volume VI only)	1622.42

(Deficit of 88c but there remained from Volume V $2.19 leaving residue of about $1.)

The following shows the sources of revenue for 1933-34:

From the State Bar	$1200.00
From advertising	144.00
From subscriptions and Journals sold	96.35

Books and other legal periodicals sold to University Law Library	179.40
Dividends from Volume III's frozen assets	1.79
Total	$1621.54

The estimated cost of the Journal for 1934-35, based upon the contract made with the printers (which is subject to the Bar's action) will be approximately $1600.00.
(Printing $1400.00; postage $65.00 at Jackson, Tenn., and postage, other expenses about $135.00.)

Whereas, the business staff managed to raise the sum of $421.54 above the appropriation made for Volume VI of the Journal, the business manager for the coming year has the prospect of only about $175.00 or $200.00 before him. This is due to the fact that we have sold pracically the limit of our books to the University Library and because the sales of back numbers of the Journals, part of the subscription amount listed above, is about exhausted. The decrease in subscriptions, in books sold to the University Library and in advertising prospects amounts to about two hundred and fifty dollars (250.00). This means that if the Journal is to be of the same calibre as last year's publication, the managerial staff being certain of only about $175.00 as a maximum from outside sources, the appropriation from the Bar must be a good deal larger than the past year.

The Journal during the past two years has been able to dispose of the text books which were given in exchange for advertising space to Law Book Publishers to only one source, namely, the University Law Library. Indeed the only market for those books is that library and the members of the State Bar. An effort was made last year to sell some of those books to the lawyers in need of them but it met with no success. Since the market formerly had in the University Law Library is practically exhausted for the coming year or two, the Journal Staff has a credit with book publishers, which for the present is almost worthless, unless something can be done to sell such text books to the members of the State Bar. We probably will not be able to realize anything from that. The credit we have on hand, an accumulation of our six years business with law book publishers, amounts to $714.50. From those figures you can readily see that if we could realize something on that fund the Journal would be materially benefited. The staff of the Journal is considering the matter of refusing to give further advertising space to law book publishers except for cash (which means that they will not advertise with us), until a method is worked out to realize something from such advertising.

I hope the figures read to you have made the situation clear though a great deal more time would be required if I made as thorough explanation as the matter should have.

I should like to say a word concerning the tentative contract made with the Long-Johnson Printing Company of Jackson, Tennessee. That contract is subject to your approval and if the recommendation which is to be made to you is approved it will be considered an approval of that contract. The agreement calls for the printing of five issues instead of four comprising as a whole six hundred pages of printed matter. By making a contract for a definite number of pages a reduced rate was thereby secured. As a result, as may be seen, if you have kept in

mind the estimated cost of the Journal for 1934-35 is more than $20. less than that for last year. It works out that the five issues may be printed at a slightly lower cost than the four issues of last year's publication. The necessity for a larger appropriation arises from the fact that the business manager has been cut off from the sources of revenue outside that appropriation to which he formerly had access and not to the fact that there will be an increase in number of issues.

In behalf of the Journal I would like to say that we encourage criticism from the members of the State Bar. We are striving to enhance the value and worth of your publication and if at any time you have suggestions to offer, we will be more than glad to have them.

I would also like to suggest that this being your publication and your official organ, if at any time you find subjects of interest to your fellow barristers, you submit those for perusal and possible publication, and if they are considered worth while an effort will be made to print them.

I wish to thank you for the opportunity of bringing these matters to you for your consideration and for your kind attention, and I wish to assure you the cooperation of the Journal staff if you have occasion to need it. (Applause.)

THE PRESIDENT: The suggestion that the appropriation of an additional amount for the Law Journal, of course, will be referred to the Bar Commission for action, as the business matters of the Association are in their hands.

THE PRESIDENT: The next subject is report of committee on Pleading, Practice and Procedure, by Judge Julian P. Alexander. Is Judge Alexander in the room?

We will have to pass that topic.

We now come to the question of the disposition that the Commission has made on the question of the Judicial Council, and I will ask Hon. Louis Jiggitts to make that report.

MR. JIGGITTS: This report is very short and right to the point, but in view of the fact that I was not present when argument was had on this particular resolution made before the Commission, Hon. Dave Crawley has agreed to discuss it, if there is any discussion called for. This is the report of the Bar Commissioners on the Judicial Council.

Report on Judicial Council

At the meeting of the State Bar at Vicksburg, September 1933, by a vote of the Association, the question of a Judicial Council was referred to the Bar Commission to make a study thereof and report to this meeting of the Association.

The Commission has made a careful study of this question and is of the opinion that the Judicial Council should not be created. Under the existing statute creating the Bar Association the President and the Bar Commissioners have the authority to appoint a committee to investigate, study and report on the pleading, practice and procedure now prevailing in the courts of this state and make such recommendations to the Bar Association as said committee may deem advisable and necessary in order to more speedily and justly dispose of litigation pending in our courts.

Acting in accordance with that authority, a committee consisting of five members, S. E. Travis, Hattiesburg, W. C. Sweat, Corinth, J. H. Price, Magnolia, C. C. Dunn, Meridian, and Julian P. Alexander, Jackson, practicing attorneys and members of the State Bar, have been elected by the Commission to make such research and any recommendations that they may deem proper and necessary, and said committee is functioning at this time.

We, therefore, recommend that a Judicial Council be not created, and recommend that the said committee appointed for the purpose of investigating and reporting upon the present pleading, practice and procedure prevailing in our courts, and also authorized to make recommendations, if any, with reference thereto, be ratified and approved by the State Bar Association.

Respectfully submitted,
Louis Jiggitts
Dave Crawley

Mr. Crawley is Chairman of that committee, so if there is any discussion called for, he will be glad to make it.

MR. DULANEY: I would like to have the privilege of discussing the report.

THE PRESIDENT: I do not believe there was a motion made to adopt.

MR. T. J. WILLS: I move that the report be adopted.

MR. CRAWLEY: I second the motion.

MR. DULANEY: I want to discuss the report. I move to table the motion to adopt the report.

MR. T. J. WILLS: I move the previous question, because I think everybody here is decided on it; the matter has been discussed time after time and I think we should vote on it.

MR. CRAWLEY: I am in order on the general motion here to table this motion. As chairman of this committee of the Bar Commission formulating this report, that is submitted to the Association for its action, I want to voice my sentiments and say that I do not feel that it would be entirely in keeping with the spirit of this association to cut off discussion, and if Mr. Dulaney desires to make some remarks, I would be glad to hear what he has to say, and I trust I voice the sentiment of a majority of the gentlemen here present. I would hate very much indeed to feel that Mr. Dulaney would have any cause to think that he has been denied the right to express his sentiments, and so far as I recall, this matter is up here on the question as to the adoption of this report which we have made to the Bar Association, and with that simple statement I yield the floor.

MR. WILLS: Point of order, Mr. President: The motion for previous question was lost for want of a second, and I think the report is before the house for discussion now.

THE PRESIDENT: The point is well taken.

MR. CAPERS: May I make an announcement—there may be considerable parliamentary procedure here in the next few minutes. When you make a motion or second a motion or say anything, will you please state your name first, so that matters will be facilitated and we may go smoothly on?

THE PRESIDENT: There is a motion then made to adopt this report, is there another motion? Mr. Dulaney wanted the floor.

MR. DULANEY: Mr. President, gentlemen of the Bar, I do not know whether what I have to say is so important that it should go out over the state. There is much difference of opinion about the matter involved in this report. There are some opposed to the name Judicial Council but favor a council or commission of some kind, differing somewhat from the ordinary conception of a judicial council as the name is used throughout the United States. There are some who think that such a council should be created with authority to enact rules, binding upon courts, and others who think that such a council or commission should be created with authority to recommend rules, and formulate rules to be suggested to courts for their adoption. Some think that such council or commission should limit itself wholly to procedural matters. Others, I think, have the opinion that such a council or commission could best function by making a serious study of all of the body of the statutory law, both substantive and adjective. There are those who have advocated a commission which would be purely an honorary commission. Others think a smaller commission should be appointed, receiving reasonable, if not adequate, compensation. It may be that I take this whole matter too seriously, and the action contemplated by this Association this morning too seriously. I am rather led to think that I do, because I find myself in the strange position now of speaking in an effort to save something out of this movement, whereas a few years ago in 1929 I was the minority member of a very distinguished committee that recommended the establishment of a judicial council in this state, and submitted a report to this association, which was unanimously adopted, according to the record. I had several reasons for opposing the judicial council as proposed by that committee. They may have been good, some of them I think were good, but the committee advocated an honorary council. The average lawyer has his hands pretty full dealing with the affairs of his clients, and personally I believe that the committee that is recommended in this report could perhaps accomplish just as much as any honorary council or committee that the legislature might set up. I think injustice occurs or justice has often gone astray over vague and indefinite statutes that have been brought forward from one code to another year after year, relative to substantive matters, fully as often as relating to procedural matters.

The gentleman who spoke at the banquet last night said that we have a good system of laws in Mississippi; that we have a good system of procedure, and I am inclined to agree with him. He stated that there should be no great and radical changes in that system, and I am inclined to agree with that, but I do not think or mean to intimate that we have a system with which we should rest satisfied, nor is there any reason why the Bar of the State of Mississippi should rest short of trying to attain such degree of perfection as is obtainable.

Let me review just briefly the history of this movement. To begin with, in 1928, when Judge Wilbourn was President of this Association, at Gulfport, the matter of a Commission on permanent law revision was presented to the Bar Association and a committee appointed to study that and make recommendations the following year. That was not a

judicial council that was proposed, in the same sense that the term is used in most other states, but rather it leaned to the Wisconsin plan. It differed from the latter materially, but was somewhat the same. In Wisconsin they have a legal draftsman who is an expert, who looks after the drafting of statutes for the legislature, and recommends the removal of imperfections in those statutes. This movement contemplated a small commission receiving not much compensation, but enough to attract lawyers of ability to its membership, so that they could afford to spend a certain amount of time from their business in order to give attention to this work.

At the Clarksdale meeting this committee reported favorably on the matter, and the report was unanimously adopted by this Association, but in the meantime the judicial council movement had spread over this country. The bill for the permanent commission was barely lost in the house of representatives, and only lost because of the urgent need of Mississippi for a new code, and it was not thought that we should attempt both at the same time. A member of the Code Commission, who was a member of the Committee recommending this permanent commission or committee to this association, signed the report. He was also a member of our Supreme Court, and I may say that, at that time, I believe, every member of the Mississippi Supreme Court favored the adoption of something along this line, if not the particular bill that was before the legislature. The matter dropped there as far as the commission on permanent law revision or a permanent commission on law revision was concerned, and the idea of a judicial council came uppermost in the mind of the Association. I had the pleasure of serving on this committee. Judge Price was a member of the committee, Judge Griffith was a member, former President Venable was a member, and Mr. Brunini was a member, and I was very much distressed to find myself not in full accord with those distinguished gentlemen who made the recommendation to the Association to adopt the judicial council, and it was not so much a question of principle as a question of form, because I had the thought that the honorary council would not function to the extent that it should, and should also apply to substantive matters as well as adjective law. That report, as I said, was adopted unanimously by this association, so it may be that the thing goes down on the old proposition which is not such a serious matter, because we approved such an idea twice and only turned it down once. But I believe the whole matter rests here: That we do not all have the same conception of what is being attempted, and should be attempted. There are some of us very much opposed on conviction to even a rule-giving power in a little legislation that might be set up, and I am inclined to be one of that number, but I do think that there is already a powerful rule-making power vested in our courts which may be exercised. I think this: That those courts are overworked already, and that they do not have the time to work out these things as a body of experts could do. I do think they should say whether any particular rule be enforced or not and whether or not any statute should become a law; and I do think the legislature should say whether any particular statute should become a law.

Now let me say this: I would like to ask the Association to recommit this whole matter to its commissioners and see if we cannot work out

something looking toward the improvement of the law and a permanent effort along this line; establish a medium by which this work can be undertaken from year to year, and decisions made as to statutory changes that should be made, because after those suggestions are made it is nobody's business and none of us have time to follow it further.

MR. CRAWLEY: I desire, Mr. President, to make this brief statement: That the commissioners as a whole reached the conclusion that, at the present time, the exigencies of the situation did not necessitate or demand the creation of this particular judicial council proposed. There was some discussion and some investigation—considerable discussion and investigation by the commissioners from time to time, pursuant to the commission that the Bar Association had tendered to us at its last meeting, having in view the earnest desire to reach a conclusion, that would be just and fair to the courts, the litigants, and the Bar of this State—in order that we might make a recommendation with reference thereto at this meeting. It was the sense of the commissioners that under the existing statute, the Bar Association and its commissioners had the legal right and authority to appoint a committee, which committee had ample authority in that proposed bill that was forwarded to each member of the Bar for its consideration sometime during the month of March or April of this year, to deal with the very matters that this judicial council was supposed to deal with. That being true, according to our conception of the statute creating a bar association, which was enacted in 1932, it was unnecessary to do a vain and useless thing; to create another board when this Bar itself had the ample authority under the existing law to do the very thing that we were about to ask the legislature to do.

Now, there is a sharp conflict of opinion among the members of this Bar as to the advisabiltiy or the necessity of the crèation of a judicial council with or without rule-making power, and especially with reference to the short practice act, and that is a matter for each member to determine here when it comes time to vote, whether he is going to approve this motion that has been made to adopt this report that we have submitted here or whether he is going to vote to reject it.

I am opposed to continuing this matter any further. It seems to me that a matter ought to be disposed of some time, finally, one way or the other. Now, this matter has been hanging fire here since 1928, when that matter was first proposed; the law under which this body is now functioning was not in existence. We are operating now under a new regime. We are struggling and contending today from forces that may or may not have a tendency to disrupt this organization—forces on the inside. Our idea about this matter is: Try to conciliate this situation and this matter. It is best, in our opinion, to endure the ills that we know than to fly to those that we know not of, and if we are going before the legislature with a request to enact a law providing for a judicial council, God Himself, who sits on His throne in high heaven, only knows what sort of an act is going to emerge. And, if we have the authority to deal with the laws, let us deal with it ourselves, and it is the sense of this Board of Commissioners that we do have that authority under the existing laws.

Now, then, there is just this one further observation that I want to make about it: I don't have any particular difficulty of disposing of

my client's causes in court—pardon me for making a reference to my own affairs. In the Fifth Judicial District, where I practice law, and in the 8th Judicial District, where I sometimes go, and the 10th Judicial District, where I sometimes go, I do not see that there is any burdensome delay to litigants. In other words, I fail to find, and it is the consensus of opinion of other members of this commission, that there is no real necessity at this time to venture out in an untried and unproven field.

This committee that has been appointed by, elected, rather, by the Board of Commissioners, on whose report there is a motion for adoption. I trust, gentlemen, that you are going to ratify the appointment of these gentlemen, in order that they may pursue their research. (Applause.)

MR. MARION RILEY: Explain the facts in connection with the appointment of that committee and what that committee is to do.

MR. CRAWLEY: I will be glad to do so.

The statute itself authorized the election or the appointment of the commission. The statute itself says that that committee shall have the authority to make an exhaustive investigation of the matter of pleading, practice and procedure, and make recommendations back to this Bar Association for its consideration of any necessary changes, or any needful changes, either in our substantive law or in the method of practice or procedure prevailing in the courts of Mississippi. Now, then, if we want to follow that procedure we have the wisdom of the entire Bar of this State to call upon before any matter is submitted to the legislature for its action, and gentlemen, do you not think that is best? (Applause.)

THE PRESIDENT: One minute more, Mr. Crawley.

MR. CRAWLEY: Now, then, in conclusion, I am merely going to say this, that there are twenty states, probably, that have judicial councils, some of them may have rule-making power, and some of them have not. It is within the province of this committee, and it is its purpose, so I am informed, to contact each one of those twenty states and obtain all of the information that lies within the possession of each one of those states at this time, and in order that this committee may sift out the undesirable matter and take advantage of any desirable matter, that they may deem necessary or expedient to submit to this Bar Association. And by that means we will get the united wisdom and experience of those twenty states that are now operating under this system. This committee can do that. Now, gentlemen, have I made myself clear. (Applause.)

JUDGE VENABLE: Mr. President, my friends, you all know, that for the past four years, under commission granted me—or imposed upon me rather—by the Bar of the State, I have been interested in both the formation of the state-wide bar, and also have been interested in the question of the formation of a body of men—call them what you may—to carry on continuous study of our courts as instrumentalities for the doing of justice, in order not that we may make good or bad systems, but that we may continuously improve a good one. I believe that both the substantive law and procedure law, being the outgrowth of the very life of the people, if it is to realize for those people their just human interest and aid them to realize in their lives their just interests, must slowly, it is true, but nevertheless inevitably change to meet changing conditions. My contacts with lawyers and with judges has been to furnish me with personal experience that has inspired me with the utmost

confidence in the bar, whether the lawyer is engaged in the duties of practicing attorney, or whether he be engaged in the exercise of judicial functions. I have found the vast majority of them loyal and unselfish, and personally there is no body of men to whom I had rather commit any interest that I have, or any interest affecting my loved ones, than my fellow lawyers, I have no fears that any body of lawyers, judges or otherwise, would do anything that is foolish or radical or unwise, or overturn the foundation stones of the legal structure.

I make this statement because I represent the minority view on the council. I claim for myself, as an only motive, a desire to serve the people of the State, and incidentally, the Bar. I readily and gladly grant and concede that same motive to the gentlemen who are opposing me. But I happen to be one of those who think that such a body of lawyers should carry on sustained and continuous study to obtain an accumulation of knowledge that would make them experts in the field. Study of the experiences of people in other jurisdictions having the common law as the basis of their jurisprudence will eventually create in Mississippi a body of experts whose services will be far more valuable than any committee appointed by the State Bar itself. That is the reason that I have favored a judicial council. Another reason has been— and I have spent about four years gathering what information and data I could,— having no interest whatever in these subjects until you gentlemen started me by giving me certain duties to perform,—that there has never been any legal reform, or improvement, or change except over opposition. That comes from the fact that we feed on precedent from our legal birth and the innate conservatism of the lawyer.

I have been for the formation of a judicial council at least with power itself to make recommendations to the legislature, or a commission, with rule-making power. I favor the rule-making power in the council. I can trust, I think, the lawyers and judges to make the council large enough to be representative, and such a council would be amenable to the suggestions of this body of lawyers and legal public opinion. I do not care what recommendation the committee makes and brings before the twelve hundred lawyers of Mississippi, it immediately precipitates a fight on this floor as to every proposed change, and if the recommendation should pass by a majority it goes before your legislature having possibly within its own membership those who opposed the change. There is an immediate conflict in the matter as to their duties as legislators and their duties as members of this organization; whether they should follow the recommendation of the majority of lawyers here, or as legislators, under their oath, follow what they personally believe to be right, with the result that there is a battle. In all the history of matters of judicial reform generally, wherever there is a substantial legislative fight, the measure fails. For that reason, gentlemen, I have been opposed to the substituted plan because I think it is futile. (Applause.)

MR. WILLS: Will you yield the floor?

JUDGE VENABLE: Just a moment. I think ten years from now we will not have made a change by the proposed plan. Let me say this: I do not care anything about means and methods; I do not care how it is done. I just want the work done, and I stand ready in every way possible to make my opinion of what will happen untrue. If you see fit to adopt

this method, I will render every service possible to make such a system effective.

Now, then, I think changes must come. We have much slack motion. I am not in sympathy with wholesale condemnation of courts or lawyers, but there is always room for improvement—changes are necessary because conditions change. We will have to make the changes ourselves, men who are best able to do it, or some day the people will make them and they cannot make them as wisely. I want the Bar to take charge of the courts, the operation of the judicial department of government, to take full responsibility for it, having full authority to deal with the subject.

Now, you have difference of opinion, yes, but I believe that these changes, great or little, must be had. I do not know all that is the trouble; but I know, yes, I think I do know, a part of the trouble. You know the business world looks upon having a law suit as the greatest calamity that can happen. Is the system right where the citizenship thinks that the greatest calamity that can happen is to invoke the very instrumentality that is furnished him for the establishment of justice? Is it free of criticism whenever an association of business men of any size puts in to effect arbitration agreements, which always means simply a compromise in order to keep away from the courts? Is the prosperity of the Bar promoted whenever the entire commercial world looks upon a law suit as a curse? Would not the prosperity of the Bar be promoted if the business man felt that he could go into court, get down to the real issue quickly, have it decided at a minimum expense and get his rights? Would that not treble and double the volume of business at the bar, and would it not keep down useless costs? When a Supreme Court Judge comes before us and tells us that a record comes up with practically two thousand dollars of costs, six large volumes, with the losing side required to pay two thousand dollars costs, when as a matter of fact all that was tried in the court below, and all that was tried in the Supreme Court was the construction of one item of a will, having two thousand dollars of typewritten matter when all the essentials of the law suit could have been put in fifty typewritten pages, with the court below sitting for a week or ten days, waiting for the men to develop their case by the introduction of statements or documents about which there was no dispute, is there not room for improvement? You can see that something is wrong, where the citizen is called to pay nineteen hundred and fifty dollars more than is necessary to present his case. Does not that system require some sort of explanation?

THE PRESIDENT: Your time is up, Judge Venable.

JUDGE VENABLE: I ask unanimous consent for one minute more.

(Audience) Go ahead.

JUDGE VENABLE: In other words, it cannot hurt us to make a scientific study and review. We may conclude to make no changes; we may conclude to make some, but the idea is urged that it means to tear up the adjective and substantive law. Why, the objection is even made that this judicial council might have some judges on it. My thought is there ought to be some judges on it, trial judges, reviewing judges, practicing lawyers, so that every case may be presented and considered from the three aspects from which it presents itself, the aspect of the

lawyer, the trial court and the court that reviews it. But they say we cannot trust them. Why they are trusted now with the entire body of the substantive law which they can change any time they wish; and they are entrusted with all the statutes which they must construe. They are entrusted with inherent rule-making power which they can exercise any time they want to, and the only proposal was that we said that the trial lawyers ought to have a part in making the rules. Now I yield.

MR. WILLS: Does the minority disagree with the interpretation of the statute as placed on it by the majority represented by Mr. Crawley, or do you agree that the interpretation of the statute is correct?

JUDGE VENABLE: The State Bar has a right, undoubtedly, to appoint any committee to carry out any study that it wants to. Since you asked me, I made no point on that. There is some question in my mind whether the council of the State Bar has the authority, but I do not care about that—as to that I have not made a critical study of the by-laws with that in view, because in my mind that was a technical matter.

Now, my friends, I want to make this statement. I think there are only two of us left with my view in approval of the judicial council. We left off the short practice act. Everybody agreed to that. The majority went over the bill and voted to recommend it to you gentlemen for passage. We once practically unanimously approved the judicial council act. The opposition to the judicial council was a later development. The older association approved the idea. It is a movement that is spreading. It is approved by the lawyers of the American Bar Association who have given years of study and thought to the formation of such bodies.

Pursuant to their recommendation, over twenty states today have it. In my judgment the study of pleading, practice and procedure would yet leave a vast body of work for this organization to do, and in fact, we could consider the same subjects, make our recommendations to the Judicial Council and appear before them for anything we thought ought to be done. Unless we appoint a special standing, permanent committee, to deal specifically with the study of courts as instrumentalities for the doing of justice, though I hope I am wrong, and I will work to make myself wrong, I do not think you will accomplish much. I thank you. (Applause.)

MR. GARNETT: I move we recess for luncheon.

THE PRESIDENT: We have a full afternoon's session, we would like to dispose of the matter now.

MR. GARNETT: Mr. President, ladies and gentlemen, I listened to the report of the committee with the deepest interest, because when the reading of the report began I did not have the remotest idea what the committee had found, and what it would report. The committee, after elaborate study of this question, has reported against the creation of a judicial council, and I observe that there are some who are disposed to apologize for the action of the committee and others who are disposed to save some fragments of the judicial council measure for future discussion. Since I have belonged to this Association no other question that has come before it has received as much attention, and been discussed as much as this proposed judicial council. The proponents of this measure have not been denied ample time for its discussion, and those opposed

to it, during the time that I have heard it discussed, altogether, had just thirty minutes in which to voice their opposition. I was not at the Gulfport meeting when this judicial council measure was born, but at the Meridian meeting years ago, one of the authors of the measure made an elaborate explanation of its salient features. Those opposed to it or who thought they might oppose it, did not then engage in much discussion, but it was considered best to carry it forward to the Vicksburg meeting for further discussion. The Vicksburg meeting was transferred to Jackson, and at the Jackson meeting thetre was an elaborate presentation of this judicial council measure, and again those opposed to it, or who thought they might oppose it, asked for additional light, with the result that it was carried forward to the next meeting at Vicksburg, and there I distinctly recall that a proponent of the measure consumed about one hour in explanation of its features, and after dinner Mr. Dent moved that both sides be limited to 30 minutes; and then, for the first time, those opposed to the measure got a hearing before the association, and spoke for thirty minutes in opposition to it. At that time it was not brought to a vote but a motion was made to carry it forward to the next meeting in order that a committee might consider it. So the proponents have been given a fair chance to discuss their issue, and this committee has reported adversely, and I insist that the committee's report should be adopted.

I do not like to be called a pessimist; neither do I like to be called an optimist. Probably both pessimism and optimism are mild forms of insanity. The pessimist sees too little, the optimist sees too much; the one takes a squint-eyed view of things; the other a pop-eyed view of things. Disregarding the views of the optimist and of the pessimist, and pursuing a middle course, I have consistently opposed this measure from the beginning, because I know, and you know, that the two major objectives which the proponents of this measure seek to reach are: first, the abolition of common law pleading and the substitution of chancery pleading in the circuit court, and, second, the consolidation of the circuit and chancery courts into a district court, with that most unmitigated of all nuisances, the county court, as a necessary adjunct. These are the major objectives which will finally be reached if the advocates of the judicial council can work out the reform which they propose. I do remember hearing Justice Griffith at length explain why the general issue should be abolished and equity pleading substituted for common law pleading. I insist that the fundamental principles of common law pleading are based upon pure logic and you cannot abolish them as long as logical reasoning is recognized in our courts.

I remember, in my boyhood, I knew a Methodist minister, an elderly and a scholarly gentleman. In his youth he had been admitted to the bar but had never tried to practice. Talking with him in his study one night, he said: "Stephens on Pleading is the greatest work on logic I have ever read," and so it is, and much of these things of which you hear complaint, result not from adherence to the principles of common law pleading, but from their disregard. By disregarding the logic of common law pleading you have brought confusion into your courts and that confusion will not be remedied by substituting for it that jumbled mess of dislocated thoughts and bad grammar, commonly known as

equity pleading. No other system for presentation of cases that has yet been devised will equal common law pleading for the development of an issue of law to be passed upon by a court or an issue of fact to be passed upon by a jury; chancery pleading will not do it. (Applause.)

THE PRESIDENT: Time limit is up, Mr. Garnett.

MR. MARION RILEY: Mr. President and members of the Bar, in regard to this matter, I simply want to bring this to your attention. When this matter was brought up at the Vicksburg Bar, as stated by the Gentleman who preceded me, those who were in favor of it, occupied an hour explaining it. After dinner we were allowed 10 minutes each to present our objections to it. It was agreed that was all the time we needed. Then a resolution was made by Mr. Cameron to refer this to the Commissioners to be studied. It came back to us and we studied it. We first adopted a judicial council after striking from it the rule- making power and other phases. The President then sent to the various lawyers a bill for them to vote upon and a majority favored it in the form it was. At a time shortly after that we began to look into the law and study the act, and we found that the Bar and the Commissioners themselves had the power to appoint a committee to study the question of pleading, practice and procedure and make all necessary investigation touching that subject, and along that line, and report back to us. Thereupon a committee of distinguished lawyers were appointed to render that service, and they have undertaken to perform that service. That being true, ascertaining that the committee appointed had all the power that the only judicial council that would be acceptable by the commissioners would have, we felt it a vain thing to submit such a bill for a judicial council to this body, and we drafted the resolution that is here. As I remember there was only one voice opposed to this resolution when it was finally passed.

Now, I am opposed to a judicial council in any form. A judicial council means that a body of men selected by a Supreme Court and judges, if it is drawn and passed by the legislature as we want it, shall have the power to deal with pleading, practice and procedure. Thomas Jefferson thought that the only body that could be trusted with legislation was a body selected by all the people. What would he think, I wonder, of this problem of entrusting to a number of lawyers all of the same school of thought, being appointed by the same man, those men having power to deal with the question of pleading, practice and procedure? I am opposed to it; it is dangerous, it is unwise, it is unnecessary. I say to you that the committee that we have appointed can study all of the systems in the various states and report to this Commission, and then we can recommend to you. In that way, instead of getting the benefit of two or three, five or six routes, we get the judgment, wisdom and learning of the entire bar touching any changes that should be made.

I say that this report should be adopted—let you call it whatever you may. A number of gentlemen in favor of the judicial council—some of them very distinguished gentlemen—went to various bars and had those local bars endorse the judicial council. There was not one there to present the other view. One side of it was presented. If we leave the matter as it is now and the legislature meets and finds that these

local bars have endorsed it, the legislature might be led to believe that the whole bar favor it.

I say that this report should be adopted. The president has already appointed a number of learned men to make suggestions to this Bar.

We have an admirable system of laws in Mississippi. Let me remind you of this: there are some men who would escape from their wrong doing by applying to the law, and some, because their minds are fixed upon making money, and indifferent to the welfare of humanity, have the audacity to walk into the lawyer's office and say "get me out of this." No, it is not a question of whether it is right or not. There may be some men who want the law so fashioned and so drawn that such litigant may have an advantage in the courts.

I say that our practice today as it is done is practically correct, and the committee to which I refer can make any changes and recommendations that we need, and bring us all the information that we need, and then we can act on it and go before the state legislature, not with four or five local bars, but with the whole bar.

We go before the legislature to pass a bill creating a judicial council—and God knows I hope I will never live to see that day, to see it after it is drawn—how do you know what sort of bill the legislature is going to pass? There are always legislative leaders, administration leaders. We have a good Governor—I helped elect him and am proud of it—but I do not know what sort we are going to have in the future. The legislature can pass a bill letting the governor appoint the judicial council, and then you will have a judicial council sure enough, will you not? I tell you this measure is fraught with peril. We have investigated and studied it, and while I realize the other gentlemen who have so ably presented the issue are moved by the same motive that I am, trying to practice the law and trying to perfect the law, I am conscious, and I know that they are moved by the highest motive, I submit to you that the safe way is to let this committee that has been appointed do the work. These are men who stand high in the profession; they can get contact with all the states that have a judicial council, and get the benefit of their wisdom.

Therefore, I say, in the interest of safety and for the preservation of the liberties of the people and the rights of the courts, I ask that this report be adopted, and that we follow the committee's judgment as outlined in this report. I thank you. (Applause.)

THE PRESIDENT: Just one minute, just one word of explanation. Five men are provided for, elected by the Commission to study these questions, collaborate with your Supreme Court, upon how far that court may go on rules, if they go at all. I was authorized to appoint additional men on that committee. I have declined to do that, but when my successor is elected, which will be this afternoon, he will have that authority because it has already been imposed upon him by the Commission, and as between the men that have been selected and men that may be selected we may have the best men the Bar affords to settle these questions for us.

The men selected were C. C. Dunn of Meridian, S. E. Travis of Hattiesburg, and W. C. Sweat of Corinth, from the judicial court districts.

(From the floor a call for the "question")

THE PRESIDENT: All who favor the adoption of this resolution

will say "Aye" (a number of voices answered). Those opposed "no." (A number of voices answered.) The motion seemed to carry.

JUDGE VENABLE: I call for division.

THE PRESIDENT: All in favor of the motion will stand. (Whereupon 56 stood.) Be seated gentlemen.

All opposed rise. (Whereupon 12 stood.)

THE PRESIDENT: The motion carried 56 to 12.

JUDGE VENABLE: There is some question in my mind, raised by inquiry, whether or not the board of commissioners would have the power to appoint such a committee. I think there is some rather serious question about that matter. It happens—I would not mention it otherwise—that I wrote a by-law which provided—it has been some time since I have read it over—that the board of commissioners' powers are specifically conferred and they have the right to appoint committees themselves to accomplish the work committed to them. But the State Bar was authorized to appoint other committees to do other things.

In order to prevent any question about that, I make a motion that the action of the Board of Commissioners in the appointment of these gentlemen that have been named by the President be ratified.

MR. RILEY: I second the motion.

The motion was put and carried.

MR. HANAN GARDNER of Gulfport moved that the Association express sympathy to Judge W. A. White over the death of his wife.

The motion was seconded by H. P. Heidelberg of Pascagoula, put and carried.

MR. ENGLE: Will there be opportunity to discuss the various papers that have been read yesterday or today, or are we just to lie down and let them go in the Journal?

THE PRESIDENT: Our program right after dinner will be devoted to remarks by Ex-Presidents of the Bar, although questions may come up.

JUDGE VENABLE: I very much doubt the advisability of discussing anything that the gentlemen read in their papers here. There is no action taken by the State Bar on these papers. We take this as our view: we invite the gentlemen here to deliver an address and read papers, and to be perfectly frank about it, if I were put on the program to read a paper, if you invited me as your guest to deliver a paper, and proceeded to adversely criticize, and say hard things about it, I would feel very much as if I went to your home and you proceeded to make personal criticisms about me when I was your guest. I do not think that the result would be good. It might result in wounded feelings; no good could come of it, it might do harm, and I very much doubt the wisdom of it. You know there is nothing I enjoy more than expressing my opinion, being for the things I am for and against the things I am against; and if we start this practice, I'm afraid you would have a hard time getting anyone to accept our invitation another year. I do not think it would be wise, it is irregular, and I hope that it will not be done.

MR. ENGLE: I think the gentleman's trend of thought is entirely out of line with what I had in mind. Discussion and criticism can be constructive and not destructive. There were papers read in which revision of our laws was suggested. There was a very excellent and informative address on federal legislation. There are features that I think could

be added by discussion, that would make it of value to the Bar. As a part of the discussion on the New Deal, I have certain contributions that I think could be made to the ideas expressed in the paper. It would not hurt the feelings of anyone, would not tramp on the toes of anyone; it might be constructive and informative.

Another thing, I had in mind the remarks of the young man who publishes the Law Journal. He said he had $700 worth of credit with the law book houses. The matter that I want to find out is if he had the re-writing of the law, the publication that has been so frequently mentioned, the Restatement of the Law.

There are other things that might be mentioned, particularly the paper that I mentioned on Federal Legislation, and the remarks that would be made might be constructive, and not calculated to step on anybody's toes.

JUDGE VENABLE: There are two answers to that: one of them is that the particular subject is not before the body. If the gentleman thinks there is any phase of any question that could profitably be discussed, I think he should get unanimous consent to have that discussed, but I object to the discussion of the papers of the gentlemen who come here and read their papers.

WHEREUPON there was a motion mady by Mr. Crawley that a recess be had until two o'clock, which motion being seconded, prevailed.

FRIDAY AFTERNOON
SEPTEMBER 7, 1934

THE PRESIDENT: On July 11, 1934, I addressed a letter to all Ex-presidents of the State Bar—asked them to come to this meeting. I do not know of any group of men of the same number who can be more helpful to us. They have responded very generously; most of them are here. The purpose is to hear from that group of men this afternoon at this hour. I am going to ask all Ex-presidents of the Bar to come forward. The Secretary will read the names.

MR. CAPERS: The following gentlemen have held the office:

W. H. Powell
A. T. Stovall
Gabe Jacobson
R. H. Thompson
D. H. Houston
Geo. W. Currie
George Butler
Sydney Smith
S. E. Travis
Geo. J. Leftwich
J. N. Flowers
R. E. Willbourn
T. C. Kimbrough
Jeff Truly
W. W. Venable

(The ex-Presidents present took seats on the stage.)

THE PRESIDENT: I want to say this to the Ex-presidents: there are no old men among you. You have lived along with us in the prog-

ress of the Bar, and I know of nothing that would be more beneficial to the Bar, gentlemen, than to have you gentlemen express yourselves on this occasion, and I shall begin at this end of the line, with Judge Powell.

JUDGE POWELL: Mr. President, ladies and gentlemen, it so happens that I have no living predecessors in office, Governor Shands, Murray Smith, Charlton Alexander, Jim Sexton and Dr. Somerville, are dead.

It would be inopportune for me to attempt to make a speech, and being the youngest of the survivors, the suggestion that I make is that not one of us make a speech. I was in Canada when I received the communication from my distinguished friend, the President, saying that he wanted me to say something at the Bar meeting. Out in the woods while I was sipping the nectar of the gods, I jotted down five suggestions that I want to make. I cut short my vacation in Canada so as to be with you, and I am going to read the five suggestions that I propose, without any argument, and you may take them or leave them, as you want. The time is short, people are tired of hearing speeches, and here are my suggestions:

(1) Let each lawyer carefully study the Code of ethics and regulate his activities by its teachings for in such way can the shyster be eliminated.

(2) Enact law for nine jury verdict in criminal cases.

(3) Give right to counsel to interrogate jurors at to quotient verdict.

(4) Give counsel right to comment on failure of defendant in criminal cases to testify.

(5) Amend the law on privileged communications in civil and criminal cases so as to empower the judge to decide in each case whether the disclosures of such communications will be harmful to the public interest.

Those are my suggestions, gentlemen.

THE PRESIDENT: Mr. Gabe Jacobson.

MR. JACOBSON: Mr. President, Ladies and Gentlemen of the Mississippi State Bar, it occurs to me that we have had so many problems this year that it would be a mere repetition for me to talk on the problems of the State Bar. We have heard them, we know them, and it seems to me that we are getting along in the right way to correct them. I have all the faith in the State Bar since we are organized as we are, and I feel that our problems will all be taken care of. Thank you.

THE PRESIDENT: Judge Kimbrough.

JUDGE KIMBROUGH: Mr. President, Ladies and Gentlemen, I have no suggestions to make at this time, but I do wish to compliment the Mississippi State Bar on the splendid progress that has been made through the last few years and the efforts now being put forth to accomplish some very constructive things. I am pleased to be with you on this occasion.

THE PRESIDENT: Mr. Geo. W. Currie.

MR. CURRIE: Mr. President, Ladies and Gentlemen: As my distinguished predecessors have said, time is not left for speech-making. I want to suggest only that we are prone in America to go to extremes, and it seems that the lawyers, some by an introspection of their own self-respect, and some by ameliorating some of the conditions mentioned, may do much to challenge what now appears to be an extremity of criticism of the Bar,—militantly challenge this proneness of the American press and public to point to what they call our failures.

The other thing I desire to mention is: It may be proper for us to consider whether admissions to the Bar, being larger in their percentage than any other learned profession, ought not somehow by requisite qualification, character and extent of training, be limited, in view of an already over-crowded bar?

I want to say that the Bar of Hattiesburg takes delight in being able once more to have you here, and we welcome your speedy return.

THE PRESIDENT: Mr. R. E. Wilbourn.

MR. WILBOURN: Mr. President, Ladies and Gentlemen, I covet the continuation of the leadership of the Mississippi Bar in all those things which make for a real, constructive, sincere, unselfish and patriotic advance in the cause of the administration of justice.

May I suggest that instead of working on the various problems of the Bar Association only at the time of our annual meetings, that each and every one of us take a little time off during the interval between this meeting and the next to give consideration, in a spirit of unselfish cooperation for the public's welfare, to the various suggestions that may be made, and to the various problems discussed at this meeting, to the end that we may more efficiently carry forward the great work of our profession.

THE PRESIDENT: Mr. S. E. Travis.

MR. TRAVIS: Mr. President, Ladies and Gentlemen of the Mississippi Bar, I shall follow my predecessors when it comes to making a speech. I am satisfied that my brothers out there are not in much mood for speech-making at this particular time.

I have in mind simply to offer a few general observations touching the honor and dignity of the profession.

I glory in the law. It is a great and honored profession. The law, aside from religion, now is and has ever been the greatest moral force in the world. Where there is no law, there is barbarism. Where law exists and reigns, there is peace and prosperity. Law is of divine origin and sanction. All men should be obedient to "The Powers that be." Our law as existing today, is the cream, the conjoint wisdom of the sages and ages past, formulated into rules of action for the conduct of society. The law is a progressive science and we boast of a system of laws embodying the best culled from the wisdom and experience of man since the dawn of history, and approaching perfection.

However, we are now in a transition period. The nation and the world, as to that, is in the throes of a bloodless revolution and our system is being tested to the foundations. People are becoming more and more impatient of restraint and there is a growing tendency to disregard authority, which, if unchecked, will result finally in the downfall of our system. Our profession is involved in this change and should prove its worth as it has done in the past by steering the nation clear of the breakers and the rocks.

Moreover, our profession has its internal problems. No other profession is so overcrowded. The legal business of today is wholly insufficient adequately to support existing members of the bar, and yet the number is increasing with alarming rapidity,—alarming not because we do not welcome new members, but because we know that many of them will be sadly disappointed in failure. Our young men, failing to find

employment in other fields, turn to the law and find it an empty pursuit. Lawyers are so numerous that only the best and most highly specialized and trained can hope for reasonable success, through honorable means. The fault is perhaps in our system of admittance to the bar. We owe it to ourselves and to the public to inaugurate measures which will reveal to students of the law the barren wastes confronting them in the legal field. It is impossible to maintain the honor and dignity of the bar in the face of a greatly over-crowded membership. The inevitable result will be a scramble for bare existence.

The lawyer should blaze the way to safety as he has done in the past. He should lead in obedience to law. Our annual meetings should be examples for the guidance of other groups. We are sometimes referred to as "Apostles of the Law," who sanction its violation, under the very shadow of our annual meetings. If we expect to make the best and the most of our profession, we must maintain its standards and uphold its honor and dignity, so as to be free of criticism even from the most critical.

Apostles of the law should be observers and champions of the law on all occasions and always.

I thank you for your kind attention.

THE PRESIDENT: Judge W. W. Venable.

JUDGE VENABLE: Mr. President, Past-Presidents, Ladies and Gentlemen, it is a trait of human nature, I have observed from large experience, that those things which cause us care and trouble are the things which we learn to love. For the past three years, because you honored me with an official position in this organization, I have been called upon to give much time and thought to its work and to dream somewhat of its possibilities.

I think you represent potentially the most influential body of men within the confines of our state, because to us is committed the operation of one of the great departments of government. The lawyer must needs operate the judicial department of government for the people, and for that reason the people look to the lawyer to see to it that they obtain the very best quality of justice, at the least expense, and in the shortest time possible. Out of the fact that this trust is committed to us, and the recognition of it, and the acceptance of the responsibilities, arose the reason for the now existence of our state-wide organization—state-wide because it was recognized that this great duty and trust was not the business of a percentage of the lawyers of the state but was the business of each and every lawyer. So, as an organization of lawyers the only excuse for our existence as such is that we set about the task honestly, earnestly, sincerely, to render to our fellow citizens what is our duty, that we may consistently strive to improve the quality of justice which our citizens receive. If there is room for improvement, then necessarily there is the duty to work on our part. We know the Bar of Mississippi will accept the responsibility. I believe that in spite of differences of opinion with the proper spirit of cooperation, there will be progress that will be certain to redound to the benefit of the people of the state.

I have one observation to make, which grows out of observations which I have made since I have been more or less active in the work of this body because of an official connection with it. When the lawyers of my

district shall have balloted this afternoon, I become again a private in the ranks. But I have observed that the interest of this Bar in its organization and its work is to depend on this organization having under study or having under construction something concrete which affects the lawyer and his work and the citizen and the quality of justice which he obtains. In other words, as long as this organization is busy about some practical thing, seeking practical accomplishment in its chosen field for the benefit of the people, the attendance will be good and the interest will be high, and if I were to give a word of advice to any one with respect to the conduct of the business of the organization, I would say that the supreme duty of the officers who take them in charge is to keep before us some concrete thing about which to think, about which to debate, and out of which may come some practical step for the improvement of the administration of justice. I think if we do that, we will always have a good attendance, we will always have good interest, and out of that work I am sure will come measures for the benefit of the people of the state we serve. Thank you.

THE PRESIDENT: Is there any other past-president of the Bar Association present who has come in since we began? Is Mr. Stovall in the audience?

(Answer:) Yes.

(Judge Sydney Smith went to the stage.)

THE PRESIDENT: I present now Judge Sidney Smith, past-president of the Bar.

JUDGE SMITH: Mr. President, gentlemen of the Bar, I hesitated to come to the rostrum for several reasons: now the principal reason is that it has been a long time since I was at the Bar, so that I am not sure that I know exactly the problems that now confront it. I am speaking now of the problems of the individual members of the Bar. I know, of course, some of the problems that confront the association, but it has occurred to me that there is a problem that confronts the Bar and confronts the Court. It is of very great importance today and is increasing in its importance as the days go by, and it is this: that in this changing civilization of ours, in every department of human endeavor, every department of learning, we are re-investigating the foundations of our beliefs; we are re-casting and reconstructing our entire industrial and business system; and the old social system under which you, Mr. President, and I grew up, is rapidly changing. We are going through an increasing though slow-moving revolution in every department of human life. Now this is what I am going to say: we are re-investigating the sources from which we derive our law; we are re-determining what constitutes the source and the end of our law; it is changing. The courts are put to it now to administer justice in accordance with the old rules that will be commensurate with the demands of the present situation. You caught that, of course, from that magnificent paper that was read this morning by Barney Eaton when he discussed some of the decisions of the Supreme Court of the United States.

I referred yesterday to the work of the American Bar Association in its Restatement of the Law. May I go a little further today and say that the courts of America are re-stating the law, and in some cases they are making it over. The responsibility for the law, the responsibility for

the perfection of the law, for making it an instrumentality of justice rests,—Ah, you say, on the courts. Oh, yes, because I want to repeat what I said yesterday, that the law is what the courts say it is,—particularly is that true of the common law; but bringing that to its perfection rests not primarily on the courts but on the bar, because every question which the court is called on to decide must be initiated by the Bar, and the courts must be taught. May I say that again: the courts must be taught by the Bar how to decide these new questions. Now, the court cannot by itself, of its own initiative, determine what the law is; it is not humanly possible; it must have the assistance of counsel. When the case is decided and a new question is brought in, a new rule is brought into the law. The result is that some lawyer, one of the counsel in the case, is responsible for it because he has convinced the court that such should be the rule.

Now that is your responsibility—a very weighty responsibility—and I say now that the future of the law of America, what it shall be, after it shall have become static, which will be in the next 25 or 30 years, rests with the bar.

I think that is the supreme duty, the very great problem; it outweighs all others, and comes home to each one of you. Of course, we must live up to our obligation as public servants. We should be the leaders of all civic thought in every line of endeavor that makes for the uplift of humanity and for making this world a place where a man can exercise his God-given right to be happy, and good laws, perfect laws, are absolutely necessary for that.

I want to say again that the state of the law in Mississippi rests primarily on the bar of Mississippi; that is your duty. As a member of your Supreme Court, I have no hesitancy in saying that while I am not trying to pass the buck to you,—I would not do that. I would not for a moment try to shift the responsibility from my and my associates' shoulders to you; but it is absolutely a fact that the initiative must come from you, and in the final analysis the law of the state is going to be what you have convinced the court that it should be. (Applause.)

THE PRESIDENT: We are very grateful to these gentlemen for attending. To me it has been the best part of the meeting. Judging from your eager interest and attention you have given to it you have enjoyed it as much as I. What these gentlemen have said will be submitted to them for proof, and will be recorded in our Bar Journal.

We will now proceed to the next part of the program.

I will recognize Judge Kimbrough who has a matter that he says can be disposed of in five minutes.

JUDGE KIMBROUGH: Mr. President, Ladies and Gentlemen, at the last meeting of the Association of Law Schools of America held in Chicago in December, 1933, there was organized as a section of that association what is known as the Legal Historical Society, and it was proposed that the members go back to their states and seek to get some organization in the state which would undertake the duty of collecting and preserving legal historical data which may be used in the future by historians in writing the history of the great profession of the law.

I was asked to take this matter up in some way in our own state among the lawyers and see if an organization could not be perfected by which

legal historical data in this state might be preserved. There is no state in the Union possessing any richer legal historical data than our own state; and as the days pass and the years go by much of this valuable data is being lost because of the fact that there does not exist any agency in the state to collect it and preserve it.

On Wednesday evening of this week a group of Mississippi lawyers met here in Hattiesburg and discussed the question of the organization in this state, and it was thought wise and well to present to this association a petition asking that we create a section of the association to be known as the Mississippi Historical Society, the purpose of which and the duty of which will be to collect and preserve all possible material and data bearing upon the legal history of this state in order that an accurate history in the future may be written of our great profession in this state.

I am therefore presenting a petition to the State Bar asking that this section be incorporated in the Mississippi State Bar:

PETITION

TO THE MISSISSIPPI STATE BAR:

We, the undersigned members, of the Mississippi State Bar, being advised that a nation wide effort is now being made to assemble and preserve all material legal data available concerning our profession in each state, in order that the historian or any other interested party, may have at hand and readily available most accurate legal historical data with which to prepare an accurate and trustworthy history of our great profession, and being advised that a great deal of legal historical data in our own state is being lost yearly by reason of there being in existence in the state no authorized agency charged with the duty of collecting and preserving it, and further believing that it is a matter of great interest to the legal profession in the state and that it manifestly is the duty of the State Bar to set on foot some adequate plan by which this good work may be properly done, do hereby petition the State Bar that they, the undersigned, and such others as may wish to join with them, be incorporated into a section of the State Bar charged with the duty of setting up such plans as will most effectually carry out the intention and purposes of the petitioners and the State Bar in this respect.

Respectfully submitted,

R. W. Heidelberg, Hattiesburg
R. E. Wilbourn, Meridian
W. J. Pack, Laurel
V. W. Gilbert, Meridian
L. J. Calhoun, Jackson
J. Knox Huff, Forest
W. S. Welch, Laurel
H. S. Stevens, Hattiesburg
A. B. Butts, Starkville
C. L. Garnett, Columbus
Tullius Brady, Brookhaven
J. Morgan Stevens, Jackson
Gabe Jacobson, Meridian
A. B. Amis, Jr., Meridian
Gerard H. Brandon, Natchez

Henry Hilbun, Laurel
R. J. Farley, University
W. Calvin Wells, Sr., Jackson
T. Brady, Jr., Brookhaven
Geo. W. Currie, Hattiesburg
Dugas Shands, Cleveland
W. W. Venable, Clarksdale
T. C. Kimbrough, University
Lucy Somerville Howorth, Jackson
Dunbar Rowland, Jackson
W. C. Sweat, Corinth
PETITIONERS

JUDGE KIMBROUGH: I move that this petition be granted and this section be incorporated as a part of this State Bar, to be known as the Legal Historical Society.

MR. GEO. W. CURRIE: I second the motion.

THE PRESIDENT: You have heard the motion and the second that a section be added to this Association to be known as the Legal Historical Society. As many as are in favor of the motion will say "Aye," as many as are opposed will say "No." The motion is carried.

JUDGE KIMBROUGH: I move in connection with this matter, as chairman of the committee, that a steering committee be appointed to meet at Jackson at some early date, for the purpose of forming concrete plans for the working out of this matter, which fill be submitted later on. The committee is now composed of

Judge J. Morgan Stevens, Chairman
Charles L. Garnett
Dr. A. B. Butts
R. W. Heidelberg
Gabe Jacobson
Gerard Brandon
W. Calvin Wells

JUDGE AMIS: Second the motion.

THE PRESIDENT: The motion is that these be appointed a committee to look into this organization. All in favor of the motion will say "Aye," all opposed "no." The motion carried.

MR. ENGLE: Right here, will I be granted not over ten minutes to discuss some matters in the papers?

THE PRESIDENT: I think so, if we can get rid of a few other things first.

MR. ENGLE: All right.

THE PRESIDENT: We will have the report of the Secretary-Treasurer.

MR. CAPERS: Being requested to report on "The Progress of the Mississippi State Bar," I could not resist the temptation of looking back, through the medium of our various Codes and Law Journals, over approximately one hundred years of the history of the legal profession in Mississippi, though in truth I am not certain whether my job is to report on the progress of the bar during the last fiscal year or on the progress of our organization over a long period of time.

This examination of the various documents convinces me that we lawyers, busily engaged in minutely administering the law for others, have been singularly slow in drawing up and administering laws covering our own conduct.

It is true that a Code of Ethics has slowly evolved and that the Courts have at times summarily dealt with offending brethren of the Bar.

However, for a long time the Bar of the State of Mississippi was an aggregation of individuals rather than a definitely organized group.

As will be noted hereafter, there has been a slow evolution culminating in the present Bar Association.

By the Laws of 1802, as contained in Hutchinson's Code, it appears that the only prerequisite to the practice of law was a license from the governor, and the Laws of 1818 contained in Hutchinson's Code, made the only prerequisite a license from two members of the Supreme Court. However, since February 12, 1819, lawyers in this state have had to pass an examination in order to determine their fitness to practice law. After this date, they were required to take an examination, conducted by a committee, before the Supreme Court, and the Supreme Court had the power to nullify the license.

Hutchinson's Code contains general provisions for disbarment of attorneys "notoriously in default of record or otherwise guilty of any deceit, malpractice or misdemeanor," and the Code of 1871 made conviction for felony specifically operate as disbarment.

The Code of 1892 appears to be the first one to enumerate the duties of attorneys. There are seven duties enumerated, and they were couched in very general terms and without any designated penalty for the breach thereof, though there was carried forward in virtually its original form the general penalty for misconduct appearing in Hutchinson's and all subsequent Codes.

We find, also, in this Code the first provision with respect to bar associations, section 223, chapter 12 providing: "any regularly incorporated Bar Association of this state shall have power to institute and prosecute any attorney before any court having jurisdiction to disbar him for wilful violation of his duties as attorney or misconduct in his office."

Also, the Code of 1906 provides that "A state bar association may be organized and . . . known as 'Mississippi State Bar Association'." The statute provided that it might refuse to admit any attorney if it did not deem him to be a reputable member of the Bar. There was no compulsion as to joining nor legal effect of not joining this association.

The old Bar Association appears to have been formed pursuant to the above referred to Act, and we find that regular meetings have been held since that time.

The disadvantages of the old Bar Association were considerable. No lawyer was subject to its rules, or expulsion by it unless he had voluntarily become a member. Its organization was rather loose and its powers vague.

Therefore, looking back upon the old Bar Association, I cannot help but visualize this Association as being a large, good humored, honorable, more or less ineffectual entity, held together by the valiant efforts of an enthusiastic, determined, conscientious minority. To this minority all praise and deference should go, for if it had not been for their efforts,

work and sacrifices, the present Bar Association would be an impossibility.

Chapter 121 of the Laws of 1932, approved April 19, 1932, provided for a Bar Association as it now exists, controlled by a Board of Commissioners, an Executive Secretary, under its control, and payment of dues a prerequisite to the practice of law in this State.

And now, let us look at the manner in which the Bar functions under the Act of 1932.

First, 1116 members of the State Bar have paid their dues for the fiscal year 1933-34, leaving 100 delinquent for 1933-34. 471 members of the State Bar have paid for the fiscal year 1934-35. And, incidentally, let me say that at the termination of each fiscal year, an audit of every item of receipts and every expenditure is made by W. Q. Sharp & Company, Certified Public Accountants, and every member of the Bar is cordially invited to inspect this document.

The Association, through its executive agency, to wit: the Board of Commissioners, and with the splendid cooperation of various members, has undertaken to annotate the law of agency, torts, contracts and conflict of laws. The result of the work done by these committees will soon be available to every member of the Bar. There has also been appointed a standing committee to study the problems of pleading, practice and procedure. The Board of Commisioners has conscientiously taken up the question as to the feasibility of a Judicial Council, and the members of the executive agency being uncertain as to the best course to pursue, submitted this question to a vote of all the members of the State Bar of Mississippi, and although approximately eighty percent of the lawyers voting voted for a Judicial Council, nevertheless the Board of Commissioners, upon mature consideration, decided against recommending a Judicial Council Bill to the 1934 Legislature, as it was felt that some members of the Bar might feel that the Board of Cimmissioners, under the authority of the motion passed at the last Bar meeting, should report back their recommendations to this body rather than take any affirmative action of its own accord. This recommendation and discussion is the one that has been so ably presented and handled by the Hon. Louis M. Jiggitts.

The Bar Association has also handled twenty-two complaints against certain members thereof since last September. The policy of the Board of Commissioners in handling these complaints is through its Complaint Commissioner, Hon. Ben H. McFarland, who, if you will pardon me for indulging in personalities, has done a wonderful job of contacting the attorneys complained of and of endeavoring to ascertain the true facts of the complaint, and, if possible, with a minimum of embarrassment and publicity to the attorney in question, of straightening out the complaint to the satisfaction of all parties. However, where a complaint, upon a thorough investigation seems to warrant drastic action, the Board of Commissioners has unhesitatingly and courageously brought proceedings to disbar their fellow-member and within the last twelve months the Board of Commissioners has either handled or is now handling three disbarment matters.

Since our meeting last September, various members of the Board of Commissioners, on their own time and at their own expense, have undertaken to go out in their districts and preach the gospel of better under-

standing and cooperation between the State Bar and its individual members, and have attempted to impress the vital importance to the welfare of each of us of every county having its own active and aggressive local Bar Association. They have endeavored to explain to their fellow-members the purpose, ideals, ambitions and aims of our association and have gone into details as to the manner in which the monies of the association are spent. Their objective was to secure the conscientious cooperation of all of the members, so that the Bar may in the future become more and more effective for the good of the order.

The individual members of the Board of Commissioners have recognized and discussed, unofficially, the predicament of the young lawyer, who, coming out of school with burning ambition and real ability, but no money and no connections, is faced with an example of unethical conduct, many times unintentional, set by some older lawyer; what chance has he? What is to become of him? And it is believed the very fact that the Bar has recognized and discussed these problems, and where necessary has courageously met the various issues, shows evidence of real progress.

MR. ENGLE: I will try to follow the admonition: if you have nothing to say, say it; and if you have something to say, be brief; if you cannot contribute anything new that has not already been said, say nothing.

I have an idea that it would help to make the meeting of this association more interesting and helpful if, after each paper is read by the various members delegated to the position, we take about 30 or 40 minutes to discuss the ideas advanced in the paper. That occurred to me this morning and yesterday, and I am going to take up some of the papers and make a few comments.

Taking Judge Smith's statement that certain problems rest on the shoulders of the members of the Bar and not on the judiciary, reminds me of a magazine article I read recently where it was said that the judiciary never goes out to meet trouble but waits for the problem to be brought to it.

The next report, gentlemen, was that of the young man, editor of the Law Journal. He said they had a credit of some $700 with book concerns. I think if he will make up a list of books and prices and send them to the various lawyers, he might sell a set. I know after hearing Judge Smith that I am in the market for a set of the Re-statement, if any of those with whom he has credit have it.

The next wonderfully fine paper was that on Federal Legislation that was read by young Mr. Eaton. Certain thoughts occurred to me as he read that paper that I wish to pass on to you. I disagree with his criticism of the Bankhead Act. He said it was unfair; that it would give to one man five bales exemption and to another 100 bales. To me that act is admirable. I happen to try to farm—I might do that better than practicing law. It works this way: If Smith has been cultivating a certain acreage five years, he takes his production over the past five years; they deduct forty percent that the government is going to rent from him and allow him to cultivate this year a certain number of acres. So John Smith may be given 5 bales exemption and John Jones 100 bales, but he has got 100 acres or 20 times as much cultivatable

average during the past five years, and has that many tenants, so that there is no inequality. They loaned A $1000 on his and B $5,000, so that is one criticism that I do not think was fair.

On the question of the unconstitutionality of this New Deal legislation, there may be academic questions of the unconstitutionality, but I advise any lawyer before bringing a suit to get an injunction against the enforcement of the New Deal to find out if his client has subscribed to it in any aspect because if he has he would be estopped. An act may be unconstitutional but a subscriber to it is estopped from raising the question of its constitutionality in the courts if he has subscribed in any way to it. I have noticed the various New Deal Legislation, and it is a subject for thought.

I want to take issue with the statement that we have been stripped of our liberty. We have all the liberties that we ever had. We have not been stripped of any of our liberties. We are governed by representatives, and what the majority adopt is our liberty, and the measure of our liberty, provided it runs the rest of the court.

Another thing, Mr. Jones jumped on the poor justice of the peace; everybody accepted. The justice of the peace is just as good as the lawyer makes him. He is not supposed to know any law. I can cite you to decisions that hold that he does not have to know the law, that this is law and that is law. I am reminded of a little incident that happened in Natchez. One of the newspapers for a number of years preached the adoption of a workman's compensation law and jumped on the lawyer—how bad lawyers are. One of the lawyers said at the Rotary Club, "You are going to have lawyers just as honest as their clients"—"if you have more honest clients, you will have more honest lawyers."

In the paper read by General Rice, suggestions were made of changes in our law that I think are futile, that do not strike at the root. One of them is to have the judges charge the jury on the facts as well as on the law. The system of the lawyer writing instructions has made, I believe, the Mississippi lawyer the superior of any lawyer in any state of the Union. He does not have to depend on the judge to know the law and tell it to the jury. Another suggestion was to have jury commissions to draw juries instead of by the board of supervisors. What is the trouble with the board of supervisors? The people elect them. They run them and elect them, and then say they are the biggest crooks in the county. I think we can trust the board of supervisors. I say away with that idea.

Another suggestion is that the poor fellow charged with crime will have to exercise his challenges before a full panel is tendered to him. The sheriff and the officers of the court want to see the district attorney succeed, and sometimes the judge leans that way.

If you want to stop crime in this country start with the public schools; teach the evil effects of crime and the benefits of law enforcement. Teach the people to have imagination. Why, do you think if a man had sufficient imagination to see ahead and observe his victim in his blood and the anguish that he has brought to the loved ones of the man that he has slain, see himself charged with crime, and see the anguish and trouble that comes to the people of his own family, that he would have committed the crime? Teach him to have imagination to

see crime to its ultimate conclusion and not glorify the gangster, and you will have started on the way to stop crime in this country.

MR. HEIDELBERG: Your committee on Memorials has endeavored to secure the data for proper tribute to the life and character of deceased members not mentioned in former reports by the committee. The information thus far received is incomplete in some cases, and we respectfully submit tributes to the deceased members following.

With a few exceptions the report will be read and referred to the committee. Judge Amis of Meridian will read what is said of Judge Stone Deavours. Judge Deavours was well known all over the state, and well beloved.

JUDGE AMIS: Mr. President, members of the Bar, I suppose I knew Judge Deavours longer and loved him better than any other member of this Association. I am requested to read to you this memorial.

JUDGE STONE DEAVOURS

Judge Stone Deavours, son of John and Adeline Deavours, was born December 29, 1867. He was reared in Tishomingo County and received his literary training at Iuka Normal Institute, where he graduated in June 1886. Thereafter, for some years, he was a teacher at Montrose, Vossburg and Pleasant Hill, in Jasper County. During the session of 1891 and 1892, he attended the law school at the University of Mississippi, where he graduated with distinction in June 1892. Shortly afterward he located at Paulding, in Jasper County, for the practice of his profession, and soon became well and widely known as an able and successful lawyer. In October, 1900, he was appointed chancellor of the Second Chancery Court District, and served until March, 1904, when he resigned. Meantime, in 1901, he had removed to Laurel, in Jones County, and on his retirement from the bench he resumed the practice of law there. In 1924 he was elected president of the State Bar Association and served one term. In 1928 he was elected a member of the National Democratic Executive Committee and served four years. In 1929 he was elected dean of the law school at the State University and served two years. After severing his connection with the law school he never resumed the active practice of law, though he retained his connection with the firm of Deavours & Hilbun, of which he had been the senior member for many years. On September 20, 1933, he died at his home in Laurel, and was buried in the beautiful Hickory Grove Cemetery in that city. On August 28, 1889 he was married to Mary Elizabeth Clayton, of Jasper County, who with six children survives him.

Such is a brief outline, the high points or peaks, in the life of Judge Deavours. But it gives no hint of the valleys that lie between, where day by day he lived and labored, no picture of the man as he was, or the life that he lived. And while it may be truly said of him that in every position of honor or trust confided to him he was faithful, honest and true; that as a judge he was patient, courteous and just; that as a lawyer he was wise in counsel and learned in exposition, and as an advocate that he was eloquent, forceful and persuasive, yet the measure of his true greatness was the life he lived and the influence he had on those with whom he came in daily contact.

He was a man of more than ordinary personality, whose genial kindly impulses made men love him, and whose sterling worth and stern integrity made them trust him; a man whose kindly humor and sparkling wit made life's burdens lighter for others, but who bore his own burdens and sorrows in stoical silence; a man who loved his fellows with a genuine affection that made him spare no pains to serve them, and whose quick sympathy caused him to aid those who were in distress.

He knew no class distinctions, but regarded others for their mental and moral worth, rather than for their wealth or station. Though possessed of great learning he had no vanity on account of it, but freely conceded to others, though less learned than he, the same right of opinion that he claimed for himself. Filled with a spirit of humble kindly charity, he realized that there is something good in the worst of us, as well as something evil in the best of us, which caused him to forgive and forget the sins of the erring ones. He was a man who dared to think for himself, of his relations to his fellows and to his God, of his duty here and his destiny hereafter. Like the strong swimmer who fears not the depths, he conned these matters, and thought on these things. Though he was a deeply religious man he was not a creedist, nor a formalist, but believed simply that,

"To worship rightly is to love each other
Each smile a hymn, each kindly deed a prayer."

True to that conviction he was never too tired or too busy to lend his aid to young or old, layman or lawyer, who always found in him a mine of kindly and helpful counsel and assistance in their perplexities.

He loved his state and took great pride in the achievements of its people. Being a lover of books he accumulated at much effort and expense a collection of the literary works of Mississippians, which he presented to the University. And his love for his own profession and his pride in its great exemplars, led him to adorn the walls of the Law Building with portraits of many of the state's distinguished jurists. His life and character are worthy of emulation, and his services and achievements are worthy of remembrance.

Be it therefore resolved that the Mississippi State Bar, in token of its appreciation of the life, character and public service of Judge Stone Deavours, does hereby direct that this memorial be made a part of the record of the proceedings of this convention, and that a copy thereof be furnished to his widow and children.

MR. AMIS: Mr. President, I move the adoption of these resolutions, which motion was seconded, put and carried.

MR. HEIDELBERG: I will now ask Mr. Garnett of Columbus who knew Judge H. H. Elmore so well, to read this memorial.

MR. GARNETT: Mr. Audley Shands of Cleveland was prevented from being here today but he prepared a tribute to his intimate friend and partner, Judge H. H. Elmore, and sent it here with the request that I read it. I therefore now read to you Audley Shands' tribute to his beloved partner. (Reads tribute.)

HENRY HERBERT ELMORE

The subject of this sketch, Henry Herbert Elmore, the son of P. M. Elmore and Martha McGee Elmore, was born on the 26th of August,

1875, at Mayfield, Kentucky, where his parents remained for about two years, moving back then to Holmes County, Mississippi.

His early education was received in the public schools at Acona, Holmes County, Mississippi. Upon leaving Acona, he was admitted into the Sophomore class of Mississippi A & M College, from which he was graduated in 1894. Following this, he taught in the Jefferson Military College, earning money with which to take a legal education. He entered the Law School of Vanderbilt University and had conferred upon him the degree of Bachelor of Laws in June 1899. He applied himself most diligently toward the study of the law and was rewarded by having conferred upon him the Founder's Medal for that year, the highest honor known at Vanderbilt University.

In 1900 he began the practice of law at Lexington, Mississippi, being associated with Governor E. F. Noel and A. M. Pepper. This firm continued until the year 1907, at which time Judge Elmore retired and became associated with Walter Tackett, under the firm name of Tackett & Elmore. This firm was dissolved by the death of Mr. Tackett, at which time, he entered into partnership with D. T. Ruff and Henry Johnson, which partnership continued until 1917, at which time, Elmore, after an overwhelming election, became Judge of the Fourth Circuit Court District of the State of Mississippi, which position he held until 1919, when he resigned and moved to Cleveland, Mississippi in January, 1920. to become a member of the firm of Sillers, Elmore, Clark & Sillers. He remained in this firm about one year, and then withdrew, and in January, 1921, became a member of the firm of Shands, Elmore & Causey, remaining in said firm until his untimely death on June 2nd, 1934.

He was for thirty-four years a member of the Mississippi State Bar Association, and has been, for several years, a member of the American Bar Association.

He was a member of the Methodist Church; for many years a member of the Board of Stewards; and for several years Superintendent of the Sunday School.

He was, from its organization, a member of the Cleveland Rotary Club and served one year as President of the Club.

On October 9th, 1907, he was fortuitously married to Miss Eva Shepherd of Lexington, Mississippi. She was classically educated at the University of Mississippi, and a proficient musician. Her taste in literature coincided with that of Judge Elmore, so that their life was most congenial, giving to him that peaceful home, which is so necessary for the attainment of success. She survives him, and continues to occupy the home which he built for her.

As is well known to the Courts and Bar of Mississippi, his legal attainments were outstanding.

He supplemented natural ability with unceasing hard work. His study of a case never ceased until the case was finally decided, and I have never known him to go to trial in any case without having exhausted all sources of evidence and of law relevant to the issues involved.

He was endowed with civic pride and gave gladly of his time to the promotion of any scheme which was calculated to benefit the community in which he lived.

His business judgment was good, enabling him to acquire a competency independent of his current earnings as a lawyer.

From the time of the organization of the Bank of Cleveland, he was its Vice-President and active head and interested in many of the other business enterprises of Cleveland. He had great faith in the land and owned extensive farming interests.

He enjoyed living, and so was companionable, readily making friends and always retaining a friend once made. I think I can truthfully say that he is more missed on the golf course than would be any other member of the Golf Club. His keen sense of humor rendered all situations not difficult.

His unselfishness was particularly noticeable. When success crowned the efforts of his firm, he gave credit for such success to his associates. When, unfortunately, failure came, he consistently took the blame.

He was a clean man, both in act and in deed. Through the thirteen years intimate daily association with him, I think I never heard him tell what is commonly called a dirty story, and when compelled to listen to one, showed plainly that it was disagreeable to him.

He was unusually well read in general literature and especially enjoyed biographies of noted men, incidents in whose lives, his retentive memory had ever ready for him, when he had occasion to mention such incidents.

His life was one that could be well taken as a model by any one entering upon the practice of the law and desiring to be such a person as is esteemed, admired and loved by his associates.

Respectfully,
A. W. SHANDS

(Continuing MR. GARNETT said:)

I was a friend of Judge Elmore from early boyhood; we were in college together and we lived on the same street, in sight of each other. Our association was intimate. Somewhere among my papers at home is a note he wrote to me soon after he started the practice of law, in which he expressed the wish that he and I might find a location suitable to both, and practice law together. It was a compliment which I cherished and preserved. He was a man of many accomplishments. After graduation from the A. & M. College, he entered the law school of Vanderbilt University, and was a Founder's Medal man under that great lawyer, Judge Jacob M. Dickinson. His was a keen and an alert mind. His learning in the law was profound, but he was also a student of history, economics, and literature. Carlyle said that a great man is one whom it is good and pleasant to be near. I ever found it good and pleasant to be near Herbert Elmore. It is not given us to know why a life so rich in achievement should have ended just when it had reached the meridian of its powers, but his untimely passing should remind each of us that,

"Fades the light,
And afar goeth day,
Cometh night;
And a star
Leadeth all,
Speedeth all,
To their rest.

His vigorous, alert mind, his genial kindly nature, the purity of his purpose and the nobility of his soul, made him a prince among men. A man without reproach, an upright judge, an able and ethical lawyer, has passed to his reward.

Above his name and fame abides the enduring covenant of peace:

"His memory like a cloudless sky,
His conscience like a sea at rest."

Mr. President, I move that Mr. Shand's tribute to his friend be adopted, and spread upon the minutes as the sentiments of this Association.

The motion was seconded, put and carried.

MR. HEIDELBERG: I want to call on Mr. Wilbourn of Meridian to present the tribute to Mr. Sams.

MR. WILBOURN: Mr. President, members of the State Bar, I have to present to you a memorial to one of Lauderdale County's distinguished lawyers, of our district, Mr. Sams:

WILLIAM COLUMBUS SAMS

Mr. Sams was born in Fayette County, Georgia on August 17th, 1875 and died at his late home in Meridian, Mississippi on September 25th, 1933 at the age of 58 years.

He received his preparatory educational training at Gordon Military Institute, Brownsville, Georgia, from which institution he was graduated, afterwards entering the University of Nashville, Tennessee, from which institution he was graduated with distinction, being the "First Honor Man" of his class.

After completing his literary education he came to the State of Mississippi as a teacher and while engaged in teaching he held the position of principal of the High Schools of Macon, Ellisville and Newton. He achieved an enviable reputation as an instructor and school executive by reason of his excellent management of the High Schools mentioned. After teaching for several years he decided to enter the profession of law, and entered the law department of the University of Mississippi, from which institution he was graduated in 1910. While taking the law course he taught English and Latin in the University with distinguished ability and pronounced success.

On his graduation in law, he took up the practice of the profession at Meridian, Mississippi where he resided and practiced until his career as a lawyer was terminated by his death. He held office of Referee in Bankruptcy for the Eastern Division of the Southern District of Mississippi for many years prior to his death and conducted the affairs of the office and discharged its duties with such fairness, intelligence and dignity as to challenge the unqualified respect and approval of both the bar and public. At the same time, in the general practice of law, he displayed such ability and circumspection in the observance of the ethics of the profession as a practitioner as to reflect great credit upon himself as a lawyer and honor upon the profession to which he belonged.

The genuineness of his character adorned his life in all of its contacts and relationships. He bore the responsibilities of citizenship with courage and fidelity. He gave his services unstintingly in promoting and

conserving all measures and principles which represent the highest good of state and country. As a lawyer his fidelity to the Court and to his clients was markedly pronounced. He kept faith with his brother lawyers, even though so to do frequently put him at a personal disadvantage. As a jurist he was patient, fair, courteous, courageous and just. Although his personal friendships and attachments were strong, as a judge, he was blind to person and strove to reflect only truth and impartial legal justice in the decisions he rendered.

As a husband and father he was faithful, generous, tender and considerate and made his home a center of honor, mutual esteem, affection and tranquility.

In religion he was humble and rested his life in an abiding faith in the existence of a Supreme Being, whose providences are sufficient for all the needs of men in all the vicissitudes of this life, and also in the unexplored realities of the Great Beyond.

In his early life, and while engaged in teaching, Mr. Sams was married to Miss Mary Caruthers of Meridian, Mississippi, who together with four sons and one daughter, survives him.

Truly a noble man, a good citizen, accomplished lawyer, worthy jurist hath fallen, but, his impact upon life was so wholesome and pronounced as to keep the memory of him fresh amongst us and also amongst those who are to follow.

WHEREFORE, BE IT RESOLVED by the Lauderdale County Bar Association that the President of this association be instructed to present these resolutions to the Circuit Court of this County with the request that they be spread upon the minutes of said Court as a permanent memorial of our tribute of respect for our deceased brother lawyer and that the Secretary be and is hereby directed to furnish the family of Mr. Sams with a certified copy thereof.

MR. WILBOURN: I move the adoption of the resolution.

The motion was seconded, put and carried.

MR. CRAWLEY: I understand that the picture show begins in this building at five o'clock. It is now 4:15. A great majority of this Bar live many miles away, and while it is with extreme regret under the circumstances that I make this suggestion, I am going to make a motion to the effect—because I realize fully the situation, deeply sympathize with the families of the bereaved ones—but owing to the lateness of the hour, I am going to move that those obituaries that have not been read be spread upon the minutes in the report of our proceedings, and that we dispense with the further reading at this time.

THE PRESIDENT: You have heard the suggestion that in the interest of time the further reading of these memorials be dispensed with, and that they appear in the Law Journal.

The motion was seconded, put and carried.

GOVERNOR BREWER: I move that the Memorial prepared for Judge Wiley Potter be added.

The motion was seconded, put and carried.

MR. LEE HALL: I did not get the first motion clear. I thought it included all the others that had not been read.

GOVERNOR BREWER: The Wiley Potter resolution had not been prepared was the reason I made that motion.

HON. W. D. HILTON

In the death July 4, 1934, of Hon. W. D. Hilton, of Mendenhall, Mississippi, the State of Mississippi lost one of its noblest citizens, and the Mississippi State Bar lost one of its ablest and most creditable members.

Mr. Hilton was born at Harrisville, Simpson County, Mississippi, April 15, 1880, and in that community grew into manhood. He did his literary work at Mississippi College and his law work at Millsaps College, completing the latter in the spring of 1903; and immediately thereafter he began the practice of law in Mendenhall, Simpson County, and there remained and practiced until his death recently.

The writer never knew a man who, in the writer's humble opinion, had more to live for than did Mr. Hilton. He had one of the best legal minds the writer ever contacted, he was a tireless worker on his cases, while honesty and integrity constituted the great passion of his life. He was scrupulously and religiously honest with his clients, his adversaries and the courts. He was, therefore, one of the ablest and best lawyers in the State of Mississippi, and his success at the bar put him in easy circumstances financially. His home life, with his living, faithful wife, formerly Miss Waller, a niece of the former Governor A. H. Longino, and their one child, W. D., Jr., was happy and beautiful in the extreme.

Truly, the Mississippi State Bar lost in his untimely death a member better and nobler and greater than whom it has not, nor has ever had.

RESOLUTIONS
of the
HINDS COUNTY BAR ASSOCIATION
May Seventh, 1934

WHEREAS, an All-wise Providence has called to his reward the Honorable Wiley H. Potter, and

WHEREAS, the members of the Hinds County Bar Association, under a sense of their great and irreparable loss, are desirous of expressing their deep bereavement and of paying a merited tribute to his distinguished attainments,

THEREFORE, BE IT RESOLVED, That we take this occasion to bear witness to his high qualities of learning and ability as a lawyer, judge, and citizen—endowments which endeared and distinguished him as one who judged his people with righteousness;

THAT we pay this humble tribute to those elements of mind and heart which find their best definition in the title of gentleman;

THAT we acknowledge those judicial attainments and services which were made lofty by sheer intellect and tireless devotion to duty, and made noble by kindly traits of courtesy, patience and mercy;

THAT we attest his personal qualities of cordial and loyal fellowship and sympathy, which have endeared him to all who had the privilege of his acquaintance, and which allowed him to bring to the high office which he held a dignity without aloofness, a pre-eminence without isolation;

THAT we give expression to that love and respect which will keep him enshrined in our memories as one who measured up to the divine

requirement—'to do justly, to love mercy, and to walk humbly with thy God.'

BE IT FURTHER RESOLVED, That a copy of these resolutions be spread upon the minutes of this Court, and a copy be sent, with expressions of sympathy and highest esteem to his bereaved family.

JOHN QUITMAN LANGSTON

John Quitman Langston was born in Lawrence County, Mississippi, on March 1, 1883, and died at Columbia, Mississippi, on September 23, 1933. This short sentence chronicles the half century span of life of one of Mississippi's able and revered Jurists, but it is impossible in this short memorial to record his honorable career or to approach an estimate of the love and esteem in which he was held by his fellow-men.

Judge Langston received his literary education in the public schools of Lawrence County and Mississippi College from which institution he graduated in 1907. After a brief space of teaching he received his degree in law in 1911, in which year he was admitted to the Mississippi Bar and began the practice of his profession at Columbia.

During the following twelve years he achieved eminence as a trial lawyer. After serving one term as Mayor of the City of Columbia, he was elected Judge of the 15th Circuit Court District of Mississippi and served from January 1, 1923, to the date of his untimely demise.

Judge Langston in early life became a member of the Baptist Church, served faithfully on the Board of Deacons, and for many years preceding his death he taught the young men's Bible class. He was an ardent student of the Scriptures, with marked religious convictions.

As a judge he was universally recognized as being able and conscientious, eminently fair in his decisions and merciful in his sentences. He knew no class distinctions, and in his court the high and the low met upon equal terms and were accorded fair and impartial treatment regardless of station or rank in life.

Judge Langston was truly a man of the people, always cordial, courteous and friendly with even the most humble citizen. Of genial and sunny disposition he was loved, honored and respected almost universally.

His home life was ideal. In young manhood he was married to Miss Roberta Ellis and as the fruit of this union there are three charming and cultured daughters. He was most devoted to his family, an affectionate husband, a kind and loving father and "pal" of his children.

In the passing of Judge Langston the State has lost a faithful and conscientious Jurist, the Bar an able exponent of justice and equity, and the sorrowing widow and children have sustained a loss inestimable.

JULIUS R. TIPTON

Mr. Tipton was born in DeSoto County, Mississippi, January 19, 1871, and departed this life at Hernando, in said county, March 3, 1934.

Mr. Tipton's parents were among the early settlers of Desoto County. He attended the common schools of his county and later the University of Mississippi, from which he received the degrees of Bachelor of Philosophy in 1897, and Bachelor of Law in 1903.

Mr. Tipton was a football star in his college days, 1893-1896, Senator Hubert D. Stephens and Judge W. H. Cook were members of his

famous team.

Mr. Tipton taught school for a number of years, holding a number of important positions at different points in the state before taking up the law.

Mr. Tipton finally located in the law practice at Hernando, Mississippi, and was an honored and respected member of the bar for more than thirty years. He was a fine lawyer, handled much important litigation and was a successful practitioner.

Mr. Tipton was an active church man, a member of the Knights of Pythias, and a good citizen. He served his county in the State Legislature for one term.

Mr. Tipton was married to Miss Emma Cramer of Ackerman in 1903, and is survived by his widow and three sons and one daughter.

In the going of Mr. Tipton, the bar has lost one of its most faithful, substantial and honored members.

HARDY CLAY DEAR

Mr. Dear was born on his father's farm in Lauderdale County, some eleven miles from Enterprise, Mississippi, October 12, 1872, and departed this life at his home in Enterprise, Mississippi, September 12, 1933.

Mr. Dear came to Enterprise with his widowed mother, Mrs. Bettie Buckly Dear, in his early boyhood. He chose law as a profession in young manhood and was educated at the University of Mississippi and Cumberland University, and located at Enterprise, Mississippi, where he continued in the practice until his death. He enjoyed a lucrative practice and stood high in his profession.

Mr. Dear was married to Miss Carrie Rencher, daughter of Dr. C. R. Rencher, October 7, 1903, and left surviving him his widow, two daughters and three sons, and an uncle, Judge Jno. L. Buckley, of Enterprise, Mississippi.

Mr. Dear was an active churchman, teacher for many years in the Sunday School, and was a leading, honored and respected citizen of his community. He served for a number of years as President of the Board of Trustees of Enterprise Consolidated High School. He also served as Mayor of the Town of Enterprise and stood high in fraternal circles, being Past Master of the Enterprise Lodge No. 79, I. O. O. F.

In the going of Mr. Dear, the bar has lost one of its faithful and honored members, and his community one of its most prized citizens.

EDWARD BULLOCK HARRIS

Mr. Harris was born at Rose Place Plantation, near Hazlehurst, Mississippi, September 5, 1862, and departed this life August 22, 1932. He was the son of Merry B. Harris, a Brigadier General in the Confederate Army, and Hettie Bullock Harris, a native of Columbus, Kentucky.

Mr. Harris' father died in 1865 from a wound received in the Confederate service, after which our subject went to live with his maternal grandfather, Colonel Edward I. Bullock, Justice of the Court of Appeals of the State of Kentucky. He returned to Mississippi in 1883, as local agent of the I. C. Railroad, and served in that capacity for twenty years. He then studied law and was admitted to the bar and practiced at Brook-

haven, Mississippi until the time of his death. Mr. Harris was reasonably successful as a practitioner and in his going the bar has suffered a distinct loss.

EUGENE WALTER BRELAND

Mr. Breland was born September 10, 1870, and departed this life January 24, 1934. He was a member of a prominent family. He was born and reared in Leakesville, Mississippi, where he resided until his demise. He was a member of the bar for many years and enjoyed a splendid practice extending at times into Alabama.

Mr. Breland stood high as a citizen of his community and rendered extensive patriotic service to his county and state. He served his county as Superintendent of Education, as Sheriff, and Tax Collector, as Member of the House of Representatives, and as State Senator.

Mr Breland was married to Miss Lula Lowsey in the year 1895, and is survived by his widow and seven children and a number of grandchildren, who with a host of friends mourn his loss. In the going of Mr. Breland, the bar has lost one of its most faithful and honored members.

W. A. TEW

Mr. Tew was born in Covington County, Mississippi, May 20, 1875, and departed this life in said county October 20, 1933. He studied law at Millsaps College and received a diploma from that institution June 16, 1903; took the bar examination and was admitted to practice June 16, 1903.

Mr. Tew resided at Mt. Olive, Mississippi, during his entire professional career. He was a man of unusual native ability and common sense, and was a successful practitioner, confining his efforts mainly to the criminal law. He was honest with the court and faithful to his friends and clients.

Mr. Tew was never married. He was reared on a farm near Mt. Olive. His father died when he was a mere lad, and he was the mainstay of his mother and brothers and sister. Mr. Tew leaves many relatives and friends to mourn his loss, and in his going the bar has lost a faithful, substantial respected member.

OTHO SINGLETON CANTWELL

Mr. Cantwell was born at Raleigh, Mississippi, October 24, 1884, and departed this life at Sunflower, Mississippi, April 19, 1934.

Mr. Cantwell attended the public schools of his county and later the High School at Poplarville, Mississippi. He studied law at Millsaps College, and, after being admitted to the bar, began the practice in Raleigh, Mississippi. He removed from Raleigh to Ruleville, Mississippi in 1918, and settled finally at Sunflower, Mississippi, in 1919, where he continued in the practice until his demise.

Mr. Cantwell was an active churchman, a Mason and Shriner, served eight years as Mayor of Sunflower, and was President of the Bank of his home town at the time of his death. The bank was reorganized under his leadership and made wonderful progress.

Mr. Cantwell was married to Miss Bettie Bowen Eason of Olive Branch, Mississippi, in 1928, and is survived by his widow and one daughter, Martha Elizabeth, about four years of age.

Mr. Cantwell stood high in his community as a Christian gentleman, active church man, and patriotic citizen, and was held in high esteem. In his going, the bar has lost one of its most substantial, successful, and respected members.

MR. GUICE: Isn't there some unfinished business?

THE PRESIDENT: How about it, Mr. Secretary?

(The Secretary indicated there was none.)

MR. GUICE: May I have the privilege of the floor. This bar went on record as endorsing the World Court, the first of any state bar, in 1929, and those who are in charge of the effort under what is called protocols, went again before the Senate of the United States, and formed a relationship for the endorsement of the Bar of this great state. I want the resolution read.

THE PRESIDENT: We will ask the Secretary to read the resolution.

MR. CAPERS: (reading)

DRAFT RESOLUTION ENDORSING THE WORLD COURT TREATIES FOR THE CONSIDERATION OF THE MISSISSIPPI STATE BAR ASSOCIATION AT ITS ANNUAL MEETING SEPTEMBER 1934

WHEREAS the Mississippi State Bar Association was the first legal association in the country to urge—by its resolution of May 2, 1929—the completion of the adherence of the United States to the World Court under the terms of the Root protocol of 1929 and of the two protocols accompanying the protocol since these three protocols together fully meet the Senate's conditions of 1926; and

WHEREAS the support of lawyers throughout the country for the World Court has been amply demonstrated since that time by the action of the American Bar Association and of 64 other state and local legal associations which have joined the Mississippi Bar Association in recommending the ratification of these protocols; and

WHEREAS the signature of the United States was, in 1929 formally affixed to these protocols which now await only the Senate's consent to ratification; and

WHEREAS in 1932 the national Democratic platform pledged the completion of the adherence of the United States to the World Court; and

WHEREAS in May, 1934, the Senate Foreign Relations Committee pledged itself to conclude the Court issue which has been dragging in the Senate for 11 years now in the 1935 session; and

WHEREAS the failure of the Senate to ratify these treaties in the four years that have elapsed since the signature of the United States was attached to them seems to us to disregard public opinion, the best interests of the United States and the pledged word of the United States which in 1926 adopted a resolution providing for our entrance into the World Court;

NOW THEREFORE BE IT RESOLVED that the MISSISSIPPI STATE BAR ASSOCIATION, in annual meeting assembled in Septem-

ber, 1934, hereby urges the fulfillment of the Foreign Relations Committee's resolution of May, 1934, by prompt Senate ratification, early in the 1935 session, of the three pending World Court treaties; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent

1. to Senator Pat Harrison with a request that he use his influence in the Foreign Relations Committee and his leadership on the floor of the Senate to secure speedy ratification of the World Court treaties; and

2. to Senator Hubert Stephens with a request that he have this resolution printed in full in the Congressional Record and that he further use his influence to aid in securing speedy ratification of the World Court treaties.

MR. GUICE: I move the adoption of the Resolution.

The motion was seconded.

MR. CRAWLEY: I move that it be tabled.

MR. LEE HALL of Columbia: I second the motion.

MR. GUICE: I would like to explain what this is. I came here today to carry out a pledge I made to a very wonderful woman in New York, to present to this Bar Association of Mississippi an opportunity for it to again go on record. For what? In favor of the World Court. Why? Because after a consideration of it five years, we went on record in favor of it. And then why? Because time after time a great Senator of our southern states named Joe Robinson had appeared before local and state bar associations of this state advocating it, and when he was advocating it, he was carrying out one of the express wishes of a man that you Democrats of Mississippi like to refer to along with Jefferson and Jackson—Woodrow Wilson. (Applause.)

So when I stand before you today and explain this, my sole explanation is this: Woodrow Wilson prepared it, it was accepted by the nations of the world,—a plan for a court before which lawyers practice, presided over by judges, where rule is right. In the course of time it was brought to our Senate; they refused to confirm or to approve of it unless there were certain changes made. The Senate of the United States went on record as being in favor of this court.

The question is this:—I am speaking to you as three things: I am speaking to you as Americans who believe in peace; I am speaking to you as Americans who say they uphold or want to uphold the plans and purposes of that great man of peace who came from Galilee; I am speaking to you as Democrats, and I am asking you today to carry out one of the pledges made to a civilized world when he saw the twelve million boys who had given up their lives for nothing, but that in the future that might be obviated, and that the differences of nations might be settled in a court. I thank you. (Applause.)

JUDGE BULLARD: Would that not be to submit our interests to a court dominated by the powers of countries that have repudiated every obligation that they owe us?

MR. GUICE: Before he sits down will you allow me to answer?

THE PRESIDENT: Yes.

MR. CRAWLEY: Let him answer the question, please.

MR. GUICE: Many of you lawyers go into court many times when you might not think in favor of your clients, but whenever you of Miss-

issippi say that the balance of the world court created anywhere in the world is incapable of passing on the questions that might affect your welfare, then you might say that the great Supreme Court of our country is incapable of passing on questions between Florida and New Hampshire. In the 152 years of the existence of this great republic there has never been that question to arise, I say to you. (Applause.)

MR. GARNETT: Is the debate open?

THE PRESIDENT: There is a motion to table. Those who favor the motion to table will say "Aye," those opposed "no." The "no's" seem to have it.

MR. GUICE: I call for a standing vote: this is an important matter.

MR. P. W. ALLEN: I would like to understand what we are voting on.

MR. CAPERS: The President wants to know if you will state the question to the gentleman for his information.

MR. GUICE: We went on record four years ago in favor of that same resolution.

MR. CRAWLEY: Why do it again?

MR. GUICE: Because we want to go up there and show that not only in 1929 but that in 1930, 1931, 1932, 1933 and 1934 the people of Mississippi want to carry out the promise of Woodrow Wilson.

THE PRESIDENT: Those who favor the motion to table will please rise and be counted?

(Whereupon 83 stood.)

Those opposed to table this motion please rise and be counted.

(Whereupon 70 rose.)

MR. CAPERS: The motion to table was carried by a margin of 13 votes.

MR. BURNAMAN of Jackson: Another resolution to be presented, which concerns only Mississippi. I would like to have the Secretary read that real loud.

MR. CAPERS: (Reading)

BE IT RESOLVED by the Mississippi State Bar in annual Convention at Hattiesburg, Mississippi, September 7, 1934, that under the provisions of Section 22 of the Unified Bar Act of House Bill 281 approved by the Governor April 20, 1932; that under said general rules of the Mississippi State Bar that all elections hereafter held by the Mississippi State Bar shall be held as follows, to wit:

That nominations for the officers of all offices except commissioners of the various districts shall be held twenty-four hours prior to the time of any elections held to fill said offices, and it is the recommendation of the Mississippi State Bar that at the next annual convention the first business session for the purpose of nominating officers of the Mississippi State Bar shall be held on the first day of the Convention and that final elections of the officers shall be held at least twenty-four haurs after the aforesaid nominations.

MR. BURNAMAN: I move the adoption of the resolution.

Seconded by MR. PARKER.

MR. GIBSON: I move to table the motion, which motion was seconded.

THE PRESIDENT: All in favor of the motion to table will say "aye," opposed "no"—the motion to table carried.

There is another resolution to be disposed of before we proceed with the program. Will the secretary read the resolution?

MR. CAPERS: (Reading resolution by Mr. Paine of Aberdeen.)

The membership of the Mississippi Bar in convention assembled at Hattiesburg requests the legislature of the State of Mississippi at its next session to begin the necessary legislation to change the Constitution of the State in reference to the election of all judges and chancellors in the state so as to provide that all judges and chancellors, including the Supreme Court judges, be appointed by the Governor of the State, as set out in the following resolutions, to wit:

1. BE IT RESOLVED that it be the duty of the Governor of the State of Mississippi to appoint all Judges and Chancellors of the State of Mississippi, including the Supreme Court Judges, but that the appointment of such Judges and Chancellors be made by the Governor only when the appointee has a written petition signed by a majority of the lawyers in the district in which such appointment is to be made. And that this resolution apply to the Supreme Court Judges as well as to the Circuit Judges and Chancellors, with the exception that the Judges of the Supreme Court must have a petition signed by a majority of the lawyers from which district the Supreme Court Judge is to be appointed.

(There was a motion to adopt the resolution, and this motion was seconded.)

A VOICE: I want to amend by including county judges and justices of the peace.

ANOTHER VOICE: And police judges.

There was a motion to table, which motion was seconded, which motion carried.

THE PRESIDENT: The next item on the program is the election of delegates to the Bar Association.

MR. CURRIE: I place in nomination the name of Mr. Hathorn as one of the delegates.

The motion was seconded, put by the Chair and carried.

MR. BANKSTON: I place in nomination Mr. J. W. Dulaney as one of the delegates.

The motion was seconded, put by the President and carried.

GOV. BREWER: I place in nomination the name of W. H. Watkins, Sr., of Jackson.

The motion was seconded and carried.

THE PRESIDENT: The next is the three alternates.

A motion was made that all alternates be named at once.

JUDGE BEN STEPHENS: I make a motion that the incoming president make the appointment and notify them of their appointment.

The motion was seconded and carried.

THE PRESIDENT: Next is the election of Bar Commissioners. I am going to request that the various districts assemble in different parts of the building, and give us the name of the man you elect.

(The Bar divided into the seventeen districts, and the following were elected as Commissioners) :

District No. 1	Ben McFarland
District No. 2	Bidwell Adam
District No. 3	R. C. Stovall
District No. 4	Frank E. Everett
District No. 5	Dave Crawley
District No. 6	D. C. Bramlette
District No. 7	Fred Lotterhos
District No. 8	A. W. Cooper
District No. 9	R. B. Anderson
District No. 10	Marion Reiley
District No. 11	John Dulaney
District No. 12	Geo. W. Currie
District No. 13	E. L. Dent
District No. 14	Robt. Lee Jones
District No. 15	Lee Hall
District No. 16	W. G. Roberds
District No. 17	John W. Kyle

THE PRESIDENT: You hear the report of the various 17 districts. The gentlemen selected from the various districts will be treated as the commissioners from the various 17 districts.

THE PRESIDENT: Now comes the election of the President of this Association.

MR. R. E. WILBOURN: Gentlemen of the Bar, I rise to nominate for the office of president of the Mississippi State Bar Association for the ensuing year a gentleman who has been my friend for many years, a gentleman who is well and favorably known to the Bar of Mississippi, a gentleman who is a distinguished lawyer of our state, a gentleman who has discharged his civic duty with the exigencies attendant on the practice of the law, a gentleman who has manifested high qualities of citizenship and who at the time of the World War served his country acceptably and faithfully in France, and it gives me great pleasure, Mr. President, to place before you and nominate for your next President the Honorable W. Calvin Wells of Jackson Mississippi. (Applause.)

MR. GABE JACOBSON: Mr. President, Ladies and Gentlemen of the State Bar, in 1920, through the courtesy of the Bar Association and with its loving kindness, you elected me as your president; that gave me an opportunity to find out who were the workers in the ranks of the Mississippi State Bar Association, who had been the workers in the ranks before that time, and my close attention to the Bar has made me watch to see who were the workers in the ranks since that time. The man whom I am going to nominate is one who modestly worked, untiringly, unselfishly on every committee on which he was appointed, and was at one time vice-president of this association. He is a man of legal attainments and culture, and possesses more—he is a man in whom every one who knows him recognizes as a friend. He has kept in touch with the Bar Association and I dare say he knows more about the workings of it than any other member. He served his country in the Spanish-American War, and as our time is getting short and I do not want you to be delayed longer, I am going to tell you the name of that man—it is W. S. Welch. (Applause.)

MR. STOKES V. ROBERTSON: Mr. President, Ladies and Gentlemen of the Bar, being in my native town of Hattiesburg I feel perfectly at home, and feel a great temptation to make a speech. I am not going to yield to the temptation, however, but I desire to second the nomination of Maj. Wells. I happen to be president of the Hinds county Bar Association, and at a recent meeting of that local association, Maj. W. Calvin Wells was unanimously endorsed for president of this State Bar, and I come, therefore, both personally and as president of the Hinds county Bar, and second Maj. Wells' nomination.

MR. REILY: May I be permitted to second the nomination of Maj. Wells? I would be untrue to my own feeling if I did not state my reason for seconding his nomination. I have never been thrown in intimate contact with Maj. Wells; I have opposed him across the table when we were exercising such talent as we had in order to protect the interests of our clients, but for 20 years I have lived in Meridian, and during that time I have known of him, and frequently I have tried cases when he was opposing counsel. I know him to be a learned lawyer, I know him to be a patriotic citizen, and yet that is not the thought that prompts me to second his nomination. I love the profession which I follow. My profession was not forced on me; it came as the dream of my life; it came through years of hard toil and I love my profession. I believe the advancement of the legal profession in Mississippi is in the hands of the Mississippi State Bar, and I rise to second the nomination because I want to see this bar go on in its work and become more useful to the people and the profession. If we do that we must have as president of this Bar Association some one who understands the problems of all of the litigants and all of the lawyers, some one who is in sympathy with the trials and temptations of the lawyer, who represents the people as well as those who represent the mighty who can employ the best talent of the state. I want some one who knows both sides, not one who represents one class of litigants always but some one who reppresents all litigants, all classes, and so understands their problems. If this bar is to accomplish anything the officials must have the confidence of the members of the Bar,—not one class but all of the members, and I believe that Maj. Calvin Wells will be such a one, and believe that he would be in sympathy with all the people, great and small. I am satisfied that he will discharge the duties of his office, and am satisfied that he will have the active cooperation and sympathy of every member of this Bar, and that we would accomplish much with him as our President.

MR. E. L. DENT: I move that the nominations be closed and that we proceed to vote.

The motion was seconded, put and carried.

THE PRESIDENT: We will ask the Boy Scouts to pass the ballots. (This was done and ballots being counted.)

MR. HENLEY: We have now as our First Vice-President a man who is able, young, active, a successful lawyer. He has been active in the workings of the Association, and I place in nomination for re-election, the name of Mr. James McClure as First Vice-President of this Association for the ensuing year.

Mr. Montgomery seconded the nomination.

MR. ADAM: I move that the nominations be closed, which motion was put and carried.

MR. ALLEN: I move that we elect by acclamation.

This motion was seconded, put and carried.

THE PRESIDENT: That brings us to second Vice-President.

MR. KELLY: I place in nomination Gov. Brewer for second Vice-President.

MR. REILY: I second the nomination. (This motion was carried.)

MR. ALLEN: I move that we elect by acclamation.

MR. CRAWLEY: I second the motion.

The motion was put and carried.

MR. ADAM: Since we have to select the next Convention city, would it not be a good idea to receive invitations for the next Convention while the gentlemen are counting the ballot for president. It might save time. May I have a second to that suggestion?

(The motion was seconded, put and carried.)

THE PRESIDENT: We will proceed to select the Convention City.

MR. S. B. LAUB of Natchez: On behalf of the Adams County Bar I wish to extend an invitation to this body for the next meeting. Natchez is two and a half hours by automobile from Jackson, an hour and fifty minutes from Vicksburg, three hours from Hattiesburg. It has all of the necessary accomodations for the Bar. Besides that Natchez offers that which no other town in Misissippi can offer. The old early history of the state is there, wrapped up in it. The spring garden pilgrimage has been a success, and people from all over the country come there at that time when the houses with their original furnishings are open to the public. In event you should honor us by being our guests, that arrangement will be made so that you may have entree into those homes. There you will see the home where Jefferson Davis was married, the home where Andrew Jackson was married, the place to which he came from his success at the Battle of Orleans, the oaks where Aaron Burr had his trial, the home in which he courted Madeline Price. These and numerous other historical houses are standing there for your inspection. On behalf of the Adams county Bar Association, as a member of this Association and as mayor of the city of Natchez I extend to you a hearty welcome there for next year.

MR. GUICE: Mr. President, Ladies and Gentlemen, when I came down here, I looked around to see if any one town in the state wanted this convention. I talked to man after man with reference to it, and no one seemed to be making a bid for it, and just as we did down on the coast, with reference to every one else, when no one else was willing to entertain, we were willing to do so. So I brought men up here to tell these gentlemen of the beauties of our coast, and while we have not the house where Jefferson Davis was married, we have the place he lived and where he died—one of the greatest historical monuments of all time. We have everything they have, and in addition we have always the very kindliest feeling for lawyers. We do not talk about them down there. They let us live among them; they do not criticize us. We have three times as many as we need, and yet they still live. If you will come to Biloxi, we will do everything that we can, both as lawyers and as citizens. I am not opposing Natchez—I am just

inviting you to Biloxi, which means the gulf coast. My ancestors lived in Natchez, I came from there years ago. The gulf coast knows how to entertain people, and will be delighted to entertain you in 1935.

MR. REILY: I rise to second the nomination of the grand old city of Natchez. I went into the city of Natchez as a child over 40 years ago. I went on a wagon, with a coon dog tied underneath when the squirrels were jumping from limb to limb. I went there a stranger and those people took me in, and if any man knows the city of Natchez I know it. There endures the culture and refinement of Mississippi, the Athens of this country. There rest the remains of Sargent S. Prentiss, and close by the little town of Washington, where the first constitution of the state of Mississippi was written, and there the document was penned by which we became a state. It is the most historic spot in Mississippi; its people are like no other people—the mose generous, the most open-hearted, the most cultured people that I know of, and if you go to Natchez, take it from me, every man in this audience will come back, carrying in his heart a city whose hospitality is unequaled; and I second the nomination of Natchez.

MR. ADAM: I rise to second the nomination of the city of Biloxi, a city where an exile might stop while awaiting admission to Paradise. I want you to come to Biloxi, down on the gulf coast, because of its great stream of water, because of its dampness. We want you to come down there not to see the squirrel jumping from limb to limb but to see the molten silver in the heavens as the gold leaves the blue waters of the Gulf against the sunset of a waning summer's day. Did I put that over? We want you to come down there and watch the evening as it hangs its silver curtain in the sky, and we want you, Mr. Reily, to bring the delegation along with you from Natchez and watch the evening sun as it races across the sky to the west, a goblet of gold—and the goblet will be filled. When you could not get what you wanted in Natchez, you came to Biloxi, and we want you to come again just as you did then.

JUDGE POWELL: We are living in the present, not in the past. We all know that fresh water runs by Natchez, and that fresh water does not preserve the body like salt water, and we know that Biloxi is down in the salt water country, and if any of us should drown we would be preserved, but none of us want to drown, that is not what we are going to Biloxi for.

I have always had a high regard for Natchez, for the men there—and the women too. I don't want to say anything about Natchez except the highest. I am speaking selfishly, and not of the self-preservation of the body after death. We know that salt water preserves.

In my section of the country you go to New Orleans and then by the L. & N. to Biloxi, and then return by way of the G. & S. I. A trip to Biloxi was one of the dreams of my youth. I want to go to the coast every oportunity that is presented, and I want to second the nomination of Biloxi, and I do that from no other desire than a selfish one. In 1873 or 1874 I went to Pascagoula—I had a chance to make a free trip, and I was there enchanted with the scenes of the Gulf. Let us go to Biloxi this year and to Natchez the following.

MR. BRAMLETTE: Mr. President and members of the Mississippi State Bar, as the place of our next annual meeting, I rise to second the nomination of that jewel of the old South, the cradle of American history, a city over whose gates have flown the flags of six nations, historic Natchez, not only the most historic city in America, but one of the most modern, and not a city that lives in the past. The history of Natchez is an asset that no other American community enjoys. We, as Mississippians, are proud of this jewel of the old South and the Southern homes there, which you will have the privilege of visiting just as others have done during the Garden Pilgrimages. Many of you have had the pleasure of seeing Mount Vernon and Arlington in Virginia, but we have homes here in Mississippi— in Natchez—that far surpass those beloved shrines, and our entire Southland and all America should be proud of Natchez.

It is said that Natchez is the site of a settlement of Mayan civilization made one thousand years ago, and is probably the oldest continuous settlement in North America.

My good friend Bidwell Adam, gave you as a reason for going to Biloxi, the claim that Biloxi has one attraction in particular that Natchez does not have. With all due deference, he had not been furnished with all of the facts, before inadvertently making that statement. While we yield to no one in admiration for our beautiful Mississippi Gulf Coast, there never has been a time when you could not get in Natchez anything that you can get in Biloxi. We are going to Natchez for our next annual meeting and we will go to Biloxi the following year. We will convince you that it is not necessary to leave Natchez to go to Biloxi to get anything. The arms and hearts of the people of Natchez will be open wide to receive you. It is a most delightful experience to go to Natchez. Natchez is the only place on the American continent where the spirit of the old South still lives. I second the nomination of Natchez.

MR. CRAWLEY: It is my earnest desire to go to Natchez to live and not to Biloxi to die.

THE PRESIDENT: The vote on the question of the place for the next convention can be taken after we announce the election of your new president. The ballot has been counted; Maj. Calvin Wells has been elected president of this Association. I am going to ask George Nobles and Stokes Robertson to accompany the newly elected president to the platform.

The bar will please rise and greet its new president.

MAJ. CALVIN WELLS: Be seated please.

I am moved by the greatest emotions. I feel grateful to you from the bottom of my heart. I appreciate your vote. I am afraid you voted from your hearts and not from your heads.

I watched the galaxy of stars of the legal profession who have been presidents in the past as they took their place on the platform. I heard the roll call of the great Mississippians, some of whom have passed to the great Beyond, who have adorned this position, and I approach its duties with humility.

I beg of you your hearty cooperation, I feel that I will have it. I want to make one request and it is this: I have heard a great many sug-

gestions, some criticism, some constructive, some, I think, destructive, but I crave your suggestions. I would like for you, some of you who have talked to me, to write me a letter and put in writing the constructive criticisms you have to make of the operation of the Mississippi State Bar. I want it to be a great Democratic association. I don't want it to be representative of any one class or any one faction or any other than that of the great mass of lawyers constituting the Mississippi State Bar (applause). Therefore, I crave of you your suggestions, I shall receive them with great pleasure and I shall try to profit by them. I promise to give all the time necessary to perform the duties of this office, to the very best of my ability. I thank you from the very bottom of my heart. (Applause.)

Before taking the vote, we have received some telegrams from various places, merely give the name and place from which the telegram comes.

MR. CAPERS: You have cordial invitations from

Jackson
Biloxi
Meridian
Natchez

THE PRESIDENT: If it will suit your pleasure, we will take a standing vote. The one placed in nomination last will be voted first All in favor of meeting at Biloxi will please stand and be counted.

(Whereupon 29 voted for Biloxi.)

We have an invitation from Natchez. All who are in favor of the convention being held in Natchez will please rise and be counted.

Natchez has been selected as the next place of meeting

I believe this concludes our business. We stand adjourned.

I certify and approve the foregoing as a true and correct statement of the minutes of the proceedings of the annual meeting of the Mississippi State Bar.

(Signed) Walter W. Capers
Secretary

1934 DIRECTORY
MISSISSIPPI STATE BAR

Abernathy, H. B., Houston
Abernathy, Thos. G., Okolona
Adam, C. B., Pass Christian
Adam, E. J., Pass Christian
Adam, E. J., Jr., Pass Christian
Adams, B. C., Quitman
Adams, J. J., Clarksdale
Adams, J. J., Jr., Clarksdale
Adams, J. L., Quitman
Adams, L. M., Jackson
Adams, M. T., Pontotoc
Adams, W. C., Corinth
Alcon, W. A., Jr., Clarksdale
Alderman, J. E., Leakesville
Alexander, H. Chalmers, Jackson
Alexander, James A., Jackson
Alexander, Julian P., Jackson
Alexander, M. L., Picayune
Alexander, W. B., Jr., Boyle
Alford, J. M., Tylertown
Alford, S. M., Jackson
Allen, B. B., Indianola
Allen, J. F., Kosciusko
Allen, Joe Frank, Kosciusko
Allen, N. R., Shaw
Allen, Percy W., Indianola
Allen, T. D., Jr., Shaw
Allen, Ward, Greenwood
Ames, Chas. F., New York, N. Y.
Amis, A. B., Meridian
Amis, A. B., Jr., Newton
Amis, Marshall W., Washington, D. C.
Anderson, Cephus, Hattiesburg
Anderson, Charles, Columbus
Anderson, Dick, Okolona
Anderson, D. M., Newton
Anderson, Fred A., Jr., Gloster
Anderson, G. D., Hattiesburg
Anderson, John R., Tupelo
Anderson, L. D., Sumner
Anderson, R. B., Jackson
Anderson, S. V., Greenville
Anderson, W. D., Jackson
Anderson, W. H., Ripley
Andrews, Landrum C., Oxford
Arnett, B. Keeton, Philadelphia
Arnold, Roy, Jackson
Arrington, Joe Drake, Collins
Arrington, John H., Monticello
Arrington, R. O., Crystal Springs
Austin, B. G., Jackson
Avery, Ralph B., Jackson
Ayers, S. N., Ripley
Bacho, Fred, Biloxi
Backstrom, J. W., Leakesville
Backstrom, Oscar, Gulfport
Bailey, T. L., Meridian
Banks, Geo. H., Newton
Bankston, W. L., Tunica
Barbee, J. W., Hernando
Barbour, C. C., Vicksburg
Barbour, J. F., Yazoo City
Barbour, J. S., Jackson
Barksdale, Henry, Jackson
Barlow, E. C., Brookhaven
Barnett, Arden, Jackson
Barnett, H. C., Carthage
Barnett, O. H., Jr., Carthage
Barnett, Ross R., Jackson
Barnett, Tom J., Carthage
Barrett, Pat M., Lexington
Batson, Alpheus, Bothwell
Batson, W. C., Wiggins
Bayless, H. L., Jr., Union
Beams, Douglas Eugene, Greenville
Bean, George, Okolona
Beard, W. A., Jr., Laurel
Belk, Fred M., Holly Springs
Belk, Wm. D., Holly Springs
Bell, A. H., Greenwood
Bell, B. F., Starkville
Bell, Fulton, Greenville
Bell, James W., Jr., Tunica
Bell, Percy, Greenville
Bennett, R. E., Meadville
Berry, O. L., New Hebron
Berry, S. B., Hattiesburg
Berry, J. H., Crystal Springs
Bickerstaff, R. O., Gulfport
Bishop, J. B., Pinola
Bishop, R. J., Hattiesburg
Black, E. C., Marks
Blackburn, D., Conehatta
Blair, W. A., Tupelo
Bloomfield, Horace, Gulfport
Blount, James A., Charleston
Bogen, Edw. J., Greenville
Boggan, J. W. P., Tupelo
Bolton, C. R., Tupelo
Bonelli, Albert M., Vicksburg
Bonney, E. C., Shubuta
Boone, E. E., Marks
Boone, R. M., Jr., Marks
Boothe, W. E., Brookhaven
Boswell, H. H., Coffeeville
Bourdeaux, R. M., Meridian
Bowdre, P. H., Hernando
Boyd, M. W., Laurel
Boydstun, R. W., Louisville
Boykin, Mark, Vaiden

Boyles, J. B., Batesville
Bozeman, Albert S., Jr., Meridian
Bozeman, A. S., Meridian
Bradford, J. W., Itta Bena
Bradshaw, F. W., Jackson
Brady, B. M., Jackson
Brady, Tullius, Brookhaven
Brady, T., Jr., Brookhaven
Brady, Thos. Pickens, Brookhaven
Brahan, F. V., Meridian
Bramlette, David Clay, Woodville
Brandon, G. H., Natchez
Brandon, Gerard, Natchez
Brandon, J. M., Natchez
Brantley, Z. A., Louisville
Bratton, C. A., Pontotoc
Bratton, Nettie H., Jackson
Bratton, Thos. S., Jackson
Breland, J. J., Sumner
Brennan, E. F., Brookhaven
Brett, M. D., Marks
Brewer, Earl, Jackson
Brewer, Ed. C., Clarksdale
Brewer, Geo. W., McComb
Bridgeforth, Allen, Yazoo City
Bridges, L. C., Purvis
Brien, E. L., Vicksburg
Broach, Walker, Jr., Meridian
Britton, E. H., Macon
Broadus, A. Q., Purvis
Broadus, Buren, Wiggins
Broadway, L. J., Meridian
Brocato, V. J., Clarksdale
Brooke, Akin, Meridian
Brooks, J. M., Clarksdale
Brooks, Rodney, Clarksdale
Broom, S. C., Jackson
Brown, A. L., Rolling Fork
Brown, Charles Scott, Gulfport
Brown, D. W., Fulton
Brown, G. N., Bay Springs
Brown, J. H., Fulton
Brown, James T., Jackson
Brown, Joseph E., Natchez
Brown, Lucille, Jackson
Brown, L. W., Starksville
Brown, M. D., Gulfport
Bruce, Arthur, Greenwood
Brumby, J. H., Jackson
Brunini, Alexander J., Vicksburg
Brunini, E. L., Vicksburg
Brunini, J. B., Vicksburg
Bryan, Edwin A., Meridian
Bryan, Harry M., Jackson
Bryant, Clifton E., Meridian
Buchanan, Frank J., Amory
Buchanan, Harry, Hattiesburg
Buchanan, James R., Laurel
Buckley, J. Emmett, Enterprise
Buckley, John L., Enterprise
Buffington, J. V., Meridian
Bullard, Wm. D., Pascagoula
Bullard, R. L., Hattiesburg
Buntin, R. R., Gulfport
Burgin, D. A., Columbus
Burdett, W. F., Richton
Burkett, John G., Jackson
Burnaman, C. Frederic, Jackson
Burns, R., Jr., Brandon
Busby, A. C., Waynesboro
Busby, Jeff, Houston
Bush, F. H., Laurel
Bush, Fred M., New Hebron
Butler, George H., Jackson
Butler, John Sharp, Quitman
Butts, Dr. A. B., Delta St. Teachers Col.
Byrd, A. M., Meridian
Byrd, J. L., Jackson
Byrd, J. M., Leakesville
Byrd, T. H., Lucedale
Byrd, W. A., Newton
Byrnes, C. F., Natchez
Caldwell, J. H., Charleston
Caldwell, J. H., Jr., Charleston
Calhoun, Edwin L., Mount Olive
Calhoun, L. J., Jackson
Calhoun, Robert L., Mount Olive
Cameron, Ben F., Meridian
Cameron, Charles B., Meridian
Campbell, Charles S., Jackson
Campbell, George H., Yazoo City
Campbell, T. H., Yazoo City
Campbell, T. H., Jr., Yazoo City
Campbell, Virginia Ruth, Yazoo City
Canizaro, Jack, Vicksburg
Canizaro, P. C., Vicksburg
Cannon, L. C., Tunica
Cannon, R. L., Sumner
Capers, W. W., Jackson
Caradine, J. E., West Point
Carballo, J. L., Kosciusko
Carlton, L. K. New Albany
Carmichael, Benjamin B., Greenville
Carney, K. A., Clarksdale
Carothers, A. M., Grenada
Carr, J. D., Sr., Newton
Carr, J. M., Newton
Carr, J. V., Decatur
Carter, B. F., Laurel
Case, C. C., Jackson
Case, H. F., Quitman
Cassedy, J. W., Brookhaven
Cassidy, J. J., McComb
Catchings, O. W., Woodville
Causey, H. F., Cleveland
Cauthen, Nelson B., Canton
Chambers, Paul, Jackson
Chadwick, Carl, Jackson
Chaney, A. A., Vicksburg
Chatham, Gerald W., Hernando
Cheney, Reynolds S., Jackson
Childs, Earl, Shelby
Churchwell, W. C., Leakesville
Clark, A. B., Indianola
Clark, Charles E., Ocean Springs
Clark, E. A., Ocean Springs
Clark, Frank, Waynesboro
Clark, Fred, Cleveland

Clark, G. C., Waynesboro
Clark, John A., DeKalb
Clark, Lester, Hattiesburg
Clark, Lulu H., Hattiesburg
Clark, T. A., Iuka
Clarke, E. S., Hollandale
Clayton, Claude, Tupelo
Clayton, Hugh, Ripley
Clayton, S. P., Tupelo
Clayton, W. L., Meridian
Clements, W. H., Rolling Fork
Cleveland, Arthur T., Fulton
Cochran, Archer W., Baldwyn
Cochran, Louis, Jackson
Cofer, Kermit R., Water Valley
Cohn, A. A., Brookhaven
Coleman, Edward F., Purvis
Coleman, Jerry, Vaiden
Coleman, J. M., Aberdeen
Collins, F. B., Laurel
Collins, Floyd O., Laurel
Collins, Jeff, Laurel
Collins, R. W., Jackson
Colmer, William M., Pascagoula
Colson, J. G., Greenwood
Conger, J. W., Winona
Conn, W. D., Jr., Jackson
Conn, W. D., Sr., Corinth
Connor, Claude E., Columbia
Conner, Dudley W., Hattiesburg
Conner, Governor M. S., Jackson
Cooper, Mrs. Evelyn, Bay St. Louis
Cook, Everett H., Gulfport
Cook, Sam, Jr., Clarksdale
Cook, W. H., Jackson
Cooley, D. B., Laurel
Cooper, A. W., Forest
Cooper, E. B., Laurel
Cooper, Forrest G., Indianola
Cooper, J. E., Purvis
Cooper, R. D., Meridian
Cooper, S. B., Philadelphia
Corban, L. C., Biloxi
Corban, R. L., Fayette
Corban, R. L., Jr., Fayette
Corley, W. U., Collins
Cossar, George P., Charleston
Cottrell, David, Jr., Gulfport
Coughlin, James E., Hattiesburg
Coursey, B. F., Decatur
Cousins, G. B., Jr., Biloxi
Covington, A. W., De Soto
Covington, J. A., Jr., Meridian
Cowan, R. C., Gulfport
Cox, Allen, Baldwyn
Cox, Robert H., Ripley
Cox, W. A., Marks
Cox, W. H., Baldwyn
Cox, William H., Jackson
Cox, W. M., Baldwyn
Craggs, C. J., Cleveland
Cranford, T. W., Jr., Seminary
Cranford, W. L., Seminary
Crawford, Marvin, New Albany
Crawley, D. E., Kosciusko
Crawley, James T., Jr., Kosciusko
Creekmore, H. H., Jackson
Creekmore, Rufus, Jackson
Creekmore, Wade H., Jackson
Crisler, Bert, Jackson
Crisler, J. Dunton, Clarksdale
Crisler, John W., Clarksdale
Critz, Frank A., West Point
Crum, C. L., New Albany
Crump, C. H., Cleveland
Culkin, John H., Vicksburg
Cunningham, F. W., Booneville
Cunningham, James A., Booneville
Cunningham, J. E., Booneville
Currie, Dan T., Hattiesburg
Currie, E. Alexander, Hattiesburg
Currie, E. J., Jr., Hattiesburg
Currie, George W., Hattiesburg
Currie, Homer, Raleigh
Currie, J. H., Meridian
Currie, Neil T., Hattiesburg
Cutrer, R. W., Magnolia
Dabney, F. Y., Vicksburg
Dabney, J. B., Vicksburg
Dabney, L. B., Vicksburg
Dabney, Moncure, Vicksburg
Dailey, Louis I , Jackson
Dale, R. H., Columbia
Dale, Sebe, Columbia
Dale, T. Price, Columbia
Daniel, G. O., Starkville
Darden, R. A., Jackson
Darden, Tom Leslie, Hernando
Davis, D. P., DeKalb
Davis, E. W., Port Gibson
Davis, J. E., Hattiesburg
Davis, James L., Jr., Louisville
Davis, J. E., McComb
Davis, Jeff, Indianola
Davis, S. F., Indianola
Davis, T. B., Columbia
Davis, T. W., Jr., Purvis
Davis, T. W., Sr., Purvis
Davis, W. H., Jackson
Davis, W. S., Waynesboro
Daws, J. H., DeKalb
Day, Icey W., Kosciusko
Day, J. O., Tutwiler
Day, R. H., Decatur
Dean, H., Brookhaven
Dean, J. F., Senatobia
Deavours, Jack, Laurel
Deck, W. I., Jackson
Dedeaux, O. J., Gulfport
Denman, R. D., Greenwood
Dennis, Glender, Ellisville
Denny, W. M., Jackson
Dent, J. R., Gulfport
Dent, R. L., Vicksburg
Dent, R. L., Jr., Vicksburg
Dent, E. L., Collins
Dent, W. W., Collins
Denton, C. L., Meridian

Denton, M. E., Marks
Denton, P. L., Marks
Dinkins, E. D., Senatobia
Dinsmore, R. R., Jackson
Dixon, T. Vincent, Senatobia
Donald, William D., Moorhead
Doty, Walter S. P., Grenada
Downs, A. B., Columbus
Doxey, Hindman, Holly Springs
Doxey, Wall, Holly Springs
Drake, Carl F., Durant
Drake, J. T., Port Gibson
Draughn, D. W., Hattiesburg
Dudley, Colbert, Forest
Dulaney, J. W., Tunica
Duncan, B. A., Meridian
Dunn, Allee, Jackson
Dunn, A. C., Meridian
Dunn, C. C., Meridian
Dunn, J. L., Meridian
Dunn, J. Thomas, Meridian
Dunning, F. S., Canton
Dwyer, Francis B., Meridian
Dye, Bradford, Charleston
Eager, P. H., Jr., Jackson
East, J. R., Brandon
East, W. J., Senatobia
Easterling, Albert E., Laurel
Easterling, Lamar, F., Jackson
Easterling, W. R., Fayette
Eastland, J. O., Forest
Eastland, W. C., Ruleville
Eaton, B. E., Gulfport
Eaton, B. E., Jr., Gulfport
Edwards, A. K., Mendenhall
Edwards, A. M., Mendenhall
Edwards, J. P., Mendenhall
Edwards, W. M., Shubuta
Ellis, W. A., Carthage
Ellis, W. B., Iuka
Elmer, F. W., Jr., Biloxi
Engle, C. F., Natchez
Engleberg, N. N., Cleveland
Enochs, DeWitt, Jackson
Enochs, J. L., Jr., Jackson
Estes, William M., Enterprise
Estopinal, William, Gulfport
Ethridge, Eugene B., Meridian
Ethridge, F. K., Meridian
Ethridge, George H., Jackson
Ethridge, W. N., Houston
Eudy, J. E., Eupora
Evans, C. C., Laurel
Evans, H. H., Gulfport
Evans, W. J., Calhoun City
Everett, Frank E., Indianola
Everett, F. E., Jr., Greenwood
Everett, W. M., Hickory
Everitt, H. B., Pascagoula
Everitt, Robert D., Ruleville
Ewing, Jack Hilton, Gloster
Ewing, T. G., Jr., Vicksburg
Falkner, J. W. T., Oxford
Falkner, J. W. T., Jr., Oxford
Falkner, M. C., Jackson
Fant, Herbert, Sardis
Fant, Lester, G., Holly Springs
Fant, Lester, G., Jr., Holly Springs
Farish, H. P., Greenville
Fatheree, J. D., Quitman
Featherston, D. M., Holly Springs
Featherstone, F. M., Indianola
Feduccia, Joseph C., Cleveland
Feld, N. B., Vicksburg
Felder, Luther W., McComb
Felner, Sol, Vicksburg
Felts, Holland C., Greenville
Fewell, Will, Meridian
Finch, Henry L., Laurel
Finch, J. S., Booneville
Finley, J. A., Tupelo
Fischel, E. C., Hattiesburg
Fitzgerald, Gerald, Clarksdale
Fleming, James S., Jr., Natchez
Flowers, J. N., Jackson
Flowers, Oscar H., Jackson
Floyd, Earle N., Jackson
Floyd, J. C., Meridian
Floyd, L. R., Magee
Fontaine, J. B., Pontotoc
Fontaine, W. B., Jackson
Foot, A. K., Canton
Foote, L. Y., Hattiesburg
Ford, A. L., Ackerman
Ford, E. J., Pascagoula
Ford, J. H., Houston
Ford, J. I., Pascagoula
Ford, R. C., Greenwood
Ford, R. D., Columbia
Forman, J. M., Jackson
Fountain, D. G., Jackson
Fox, John H., Jackson
Foxworth, C., Columbia
Franck, Mrs. Ruth, Jackson
Franklin, J. B., Jackson
Franklin, J. E., Jackson
Franklin, Lester C., Jackson
Frazier, T. A., Clarksdale
Friday, J. E., Booneville
Frierson, John F., Columbus
Fulgham, H. McK., Jackson
Fuller, Henry H., Laurel
Gaines, O. T., Iuka
Galloway, J. F., Gulfport
Gandy, George, Collins
Gardner, A. F., Greenwood
Gardner, A. F., Jr., Greenwood
Gardner, Hanun, Gulfport
Garner, Martin, Tunica
Garnett, C. L., Columbus
Garraway, J. S., Hattiesburg
Garraway, J. T., Purvis
Garth, J. Hunter, Hazelhurst
Gautier, H. W., Pascagoula
Gee, John B., Midnight
Gee, W. F., Clarksdale
Geisenberger, W. A., Natchez
Genin, R. L., Bay St. Louis

Gerald, Eugene, Leland
Gex, E. J., Bay St. Louis
Gex, Lucien M., Bay St. Louis
Gex, W. J., Jr., Bay St. Louis
Gex, W. J., Sr., Bay St. Louis
Gibert, J. M., Cleveland
Gibson, C. E., Monticello
Gilbert, Colin O., Winchester
Gilbert, V. W., Meridian
Gillespie, Hugh B., Raymond
Gillespie, R. G., Meridian
Gillis, J. K., Philadelphia
Gipson, J. R., Meridian
Gipson, J. V., Meridian
Glass, D. H., Kosciusko
Gober, Curtis A., Iuka
Goldin, H. C., Walnut Grove
Good, V. W., Vicksburg
Goodman, F. C., Biloxi
Gordon, Charles M., Jackson
Gordon, C. T., Liberty
Gore, T. N., Marks
Gore, W. E., Jackson
Goss, B. J., Columbia
Goss, Roy J., Columbia
Graham, D. M., Gulfport
Graham, D. M., Jr., Gulfport
Graham, H. M., Meridian
Graham, J. H., Meridian
Graham, S. M., Meridian
Grant, Leslie B., Biloxi
Grantham, Levi, Hattiesburg
Greaves, C. B., Flora
Greaves, H. B., Canton
Greaves, P. D., Gulfport
Green, B. A., Mound Bayou
Green, E. H., Cleveland
Green, Garner W., Jr., Jackson
Green, Garner Wynn, Jackson
Green, Jess D., Tupelo
Green, J. W., Jackson
Green, Marcellus, Jackson
Green, Marcellus Calhoun, Jackson
Greene, John D., Jr., Starkville
Greer, Winnie, Jackson
Grice, L. E., Crystal Springs
Griffing, D. Q., Shelby
Griffing, Homer B., Bude
Griffith, Virgil A., Jackson
Guice, W. L., Biloxi
Guider, B. A., Vicksburg
Gully, J. B., Louisville
Guy, T. A., Greenwood
Guynes, J. F., Hazelhurst
Guyton, J. D., Kosciusko
Guyton, T. P., Kosciusko
Gwin, Elizabeth, Greenwood
Gwin, Lucien C., Natchez
Gwin, Samuel L., Greenwood
Hafter, Jerome S., Greenville
Hairston, Brown C., Crawford
Hairston, J. M., Jackson
Hall, H. G., Jackson
Hall, Lee D., Columbia
Hall, R. S., Hattiesburg
Hall, S. A., Hattiesburg
Hall, Toxey, Columbia
Hallam, L. C., Jackson
Haman, Thomas L., Houston
Hamilton, George S., Jackson
Hamlin, James E., West Point
Hammond, Kelly J., Columbia
Hamner, W. M., Greenwood
Hannah, T. C., Hattiesburg
Haralson, William, Hattiesburg
Hardy, R. R., Jackson
Harper, A. Y., Jackson
Harrison, Byron P., Gulfport
Hartley, T. A., Starkville
Harty, Emmett, Greenville
Harwell, J. D., Quitman
Harwell, J. M., Meridian
Hathorn, C. V., Columbia
Hathorne, F. C., Hattiesburg
Hatten, W. J., Sumrall
Hauberg, Robert E., Jackson
Hayden, Charles R., Gulfport
Hayes, George L., Wesson
Hayes, Mrs. Charles M., Hattiesburg
Hearst, A. A., Hattiesburg
Hedgepeth, T. H., New Orleans, La.
Heidelberg, D. W., Shubuta
Heidelberg, H. P., Pascagoula
Heidelberg, M. L., Waynesboro
Heidelberg, R. W., Hattiesburg
Heiss, J. L., Gulfport
Heiss, J. L., Jr., Gulfport
Hemingway, William, University
Henderson, J. W., Tunica
Hendrick, Leon F., Jackson
Hendrix, Thomas D., Jackson
Henley, W. S., Hazelhurst
Hennington, Lamar, Hattiesburg
Henry, W. A., Yazoo City
Herring, George B., Canton
Herring, Lee H., Ruleville
Hester, Clyde L., Jackson
Hewes, Gaston H., Gulfport
Hewes, William G., Gulfport
Hewitt, F. D., McComb
Hewitt, William H., Jackson
Hibbler, Stacy G., West Point
Hiemelstern, Benedict, Moorhead
Hilbun, Henry, Laurel
Hilbun, Henry, Jr., Laurel
Hill, C. E., Hattiesburg
Hill, George H., Tupelo
Hill, George H., Jr., Tupelo
Hillman, J. B., Philadelphia
Hilton, R. T., Jackson
Hilzim, Harrington, Jackson
Hindman, E. E., Jackson
Hirsch, J. K., Vicksburg
Hobbs, H. W., Brookhaven
Hobbs, W. E., Moorhead
Holcomb, Pascal D., Clarksdale
Holden, H. Cassedy, Jackson
Holesapple, Newsom, Columbus

Holley, E. E., Aberdeen
Holloman, John H., Columbus
Holloway, Charles D., Jackson
Holmes, D. B., Jr., Meridian
Holmes, D. W., Hattiesburg
Holmes, E. R., Jr., Jackson
Holmes, E. R., Yazoo City
Holmes, F. C., Hernando
Holmes, G. M., Aberdeen
Holmes, Herbert, Senatobia
Holmes, J. G., Yazoo City
Holmes, R. M., Meridian
Hopkins, Joseph W., Clarksdale
Hopkins, Thomas G., Louisville
Hopper, H. A., Corinth
Horan, John, Water Valley
Horan, Leo, Jackson
Horne, F. R., Jackson
Horton, Cowles, Grenada
Horton, Kenneth D., Jackson
Horton, Robertson, Winona
Horton, William T., Jackson
Hosey, G. W., Laurel
Houston, D. W., Aberdeen
Houston, D. W., Jr., Aberdeen
Howie, J. H., Jackson
Howie, Joseph, Jackson
Howie, Virgil, Jackson
Howorth, Joseph M., Jackson
Howorth, Lucy Somerville (Mrs. J. M.), Jackson
Huber, H. T., Canton
Huff, J. Knox, Forest
Hughes, J. L., Moorhead
Hughston, E. V., Greenwood
Hulen, Elizabeth, Jackson
Hunt, F. M., Hattiesburg
Hunt, Mrs. Nell W., McComb
Hunter, J. Q., Jr., Union
Hutchison, C. B., Tupelo
Hutchison, J. T., Summit
Hutto, A. C., Gulfport
Hutto, W. M., Waynesboro
Hutton, J. B., Jr., Jackson
Hutton, L. C., Oxford
Inman, C. E., Jackson
Inzer, William H., Pontotoc
Jaap, C. C., Jackson
Jack, E. E., Scooba
Jackson, F. B., Jackson
Jackson, Robert E., Cleveland
Jackson, William F., McComb
Jacobson, Gabe, Meridian
James, W. W., Newton
Jaquess, C. A., Tunica
Jarratt, Hill, Batesville
Jayne, R. L., Greenville
Jiggitts, Louis M., Jackson
Johnson, C. C., Meridian
Johnson, C. E., Union
Johnson, D. R., Batesville
Johnson, Elbert, Indianola
Johnson, Harper, Senatobia
Johnson, H. H., Lexington
Johnson, J. L., Pittsboro
Johnson, O. W. (col.), Prentiss
Johnson, Paul, Hattiesburg
Johnson, W. A., Newton
Johnston, Albert S., Gulfport
Johnston, H. Grady, Hernando
Johnston, Means, Greenwood
Johnston, Thomas H., Corinth
Jones, A. H., Woodville
Jones, Bert H., Madison
Jones, C. J., Waynesboro
Jones, Edward I., Bay St. Louis
Jones, Ernest P., Jr., Jackson
Jones, H. F., Belzoni
Jones, L. B., Jackson
Jones, Margaret Hervey, Jackson
Jones, P. Z., Jackson
Jones, R. C., Louisville
Jones, R. L., Brookhaven
Jones, W. V., Waynesboro
Joor, J. S., Jr., Rolling Fork
Jordan, R. A., Greenwood
Jourdan, J. C., Jr., Iuka
Katz, Andrew D., Hattiesburg
Katzenmeyer, C. Leonard, Vicksburg
Kaufman, M. L., Rosedale
Keaton, Grayson B., Picayune
Kellner, Ernest L., Greenville
Kelly, A. F., Hattiesburg
Kelly, R. M., Vicksburg
Kemp, Carol, Hazelhurst
Kendall, Henry M., Jackson
Kenna, E. D., Jackson
Kennedy, Heber, Magee
Kennedy, Laurens T., Natchez
Kent, Jeff, Forest
Keyer, James H., Natchez
Keys, R. Taylor, Sardis
Kier, W. H., Corinth
Kimbrough, A. McC., Greenwood
Kimbrough, O. L., Greenwood
Kimbrough, T. C., University
Kimmons, R. F., Water Valley
King, Bee, Mendenhall
King, Benjamin, Hazelhurst
King, S. R., Durant
Kirby, R. H., Clarksdale
Knox, B. N., New Albany
Knox, R. H., Jackson
Knox, W. T., Winona
Koonce, Pat, Hattiesburg
Kruse, H. A., Natchez
Kuykendall, John M., Charleston
Kyle, John W., Sardis
Lacy, C. R., Booneville
Lacy, Eugene P., Booneville
Lamar, E. L., Calhoun City
Lake, J. A., Jr., Greenville
Lamb, Knox, Greenwood
Land, T., Kosciusko
Landrum, Ralph, Kosciusko
Landrum, Scott, Kosciusko
Lane, E. M., Raleigh
Larr, G. L., Jr., Vicksburg

Laseter, C. I., Jackson
Laseter, Sam E., Morton
Latham, Luther F., Eupora
Latham, W. F., Quitman
Laub, S. B., Natchez
Lauderdale, D. C., Senatobia
Lauderdale, J. A., Jackson
Lauderdale, J. W., Grenada
Lawrence, T. J., Rolling Fork
Lawrence, W. O., Calhoun City
Leach, F. E., Carthage
Leach, H. B., Jackson
Leak, H. C., Woodville
Leathers, James A., Gulfport
Le Brano, J. R., Meridian
Lee, Percy M., Forest
Lee, W. J., Jr., Prentiss
Leftwich, Frank S., Aberdeen
Leftwich, G. J., Aberdeen
Lenoir, James J., University
Leonard, H. T., Kosciusko
Lewis, E. M., Hazelhurst
Lewis, Ida Lou (Mrs. E. M.), Hazelhurst
Lewis, M. A., Jr., Jackson
Lewis, T. W., Columbus
Lincoln, B. A., Columbus
Lincoln, C. L., Columbus
Lindholm, P. P., Lexington
Lindsay, Edward, Jackson
Lindsay, W. E., Gulfport
Lindsay, Winston S., Jackson
Lipscomb, Hubert, Jackson
Lipscomb, L. P., Meridian
Little, S. V., Mize
Livingston, Edward M., Louisville
Livingston, W. H., Prentiss
Locke, Leopold, Poplarville
Lofton, W. Milford, Mendenhall
Logan, John L., Jackson
Logan, R. F. B., Hernando
Logan, W. E., Natchez
Long, C. P., Tupelo
Long, C. P., Jr., Pontotoc
Long, L. H., Newton
Long, Sam P., Tupelo
Long, S. H., Tupelo
Longino, A. H., Jackson
Longino, C. S., Clarksdale
Lott, W. H., Greenwood
Lotterhos, F. J., Jackson
Love, H. M., Jr., Yazoo City
Love, John Clark, Kosciusko
Loving, B. H., West Point
Loving, J. W., Columbus
Lowe, J. T., Tunica
Lowrey, J. T., Gloster
Lowrey, P. H., Marks
Lucas, W. B., Macon
Luckett, Semmes, Clarksdale
Lumpkin, Samuel E., Tupelo
Luper, O. C., Hattiesburg
Lyell, G. Garland, Jackson
McBee, R. C., Greenwood
McCabe, H. C., Jr., Vicksburg
McCaskill, H. L., Brandon
McClellan, Thompson, West Point
McClendon, B. B., Jackson
McClure, James, Jr., Sardis
McCool, D. C., Canton
McCraine, C. H., Houston
McCraw, A. B., Philadelphia
McCully, H. E., Louisville
McCully, J. T., Louisville
McElroy, T. H., Oxford
McFarland, Ben H., Aberdeen
McFarland, J. A., Bay Springs
McGee, Roy J., Biloxi
McGehee, D. R., Meadville
McGehee, E. H., Columbia
McGehee, L. H., McComb
McGehee, W. H., Bude
McGowan, M. M., Jackson
McGowen, Hardy R., Jackson
McGowen, James G., Jackson
McInnis, F. S., Moss Point
McIntosh, D. A., Collins
McIntosh, H. M., Collins
McIntosh, L. K., Gulfport
McIntosh, Tarver, Collins
McIntyre, A. J., West Point
McIntyre, E. S., West Point
McIntyre, W. E., Brandon
McKay, William I., Vicksburg
McKee, H. K., Picayune
McKeigney, A. F., Eupora
McKenzie, L. T., Ashland
McLain, W. G., McComb
McLaurin, A. J., Jackson
McLaurin, Carroll J., Raleigh
McLaurin, S. L., Brandon
McLellan, Pearl, Greenwood
McLeod, D. A., Mount Olive
McMorrough, G. H., Lexington
McNair, J. W., Brookhaven
McNeil, Myron S., Hazelhurst
McRaney, A. M., Magee
McRaney, Thomas L., Tupelo
Mabry, W. O., Jr., Goodman
Magee, G. W., Monticello
Magruder, A. F., Starkville
Magruder, J. D., Tunica
Magruder, W. W., Starkville
Mahon, H. K., Jr., Meridian
Majure, R. S., Newton
Malone, N. H., West Point
Manship, Luther, Jackson
Maples, L. W., Gulfport
Maxted, D. J., Pascagoula
Murray, Harry K., Vicksburg
Marsalis, O. M., Drew
Marshall, Carl, Gulfport
Marshall, Maynard, Charleston
Martin, J. D., Raleigh
Martin, L. L., Macon
Martin, W. C., Natchez
Mattox, Phillip, Meridian
Mauldin, B. P., Pontotoc

May, George W., Jackson
May, J. A., Sumner
May, L. P., Jackson
Mayfield, J. B., Poplarville
Maynard, G. F., Clarksdale
Maynard, G. F., Jr., Clarksdale
Maynard, William H., Clarksdale
Mayo, James G., Laurel
Mayo, J. G., Meridian
Melton, Clara, Jackson
Melton, Louise, Jackson
Melvin, Leonard B., Laurel
Merrell, G. H., Collins
Mhoon, W. L., Jackson
Miller, C. C., Meridian
Miller, D. M., Hazelhurst
Miller, Hugh Barr, Hazelhurst
Miller, Hugh B., Jr., Hazelhurst
Miller, H. L., Quitman
Miller, Leighton S., Clarksdale
Miller, M. V. B., Meridian
Miller, J. Wesley, Kosciusko
Miller, W. B., Clarksdale
Milloy, G., Prentiss
Milsaps, R. W., Hazelhurst
Millsaps, W. W., Cleveland
Mims, S. C., Jr., Grenada
Mitchell, A. M., Pontotoc
Mitchell, B. T., Tupelo
Mitchell, Charles S., Tupelo
Mitchell, Ely B., Corinth
Mitchell, George T., Tupelo
Mitchell, Guy W., Tupelo
Mitchell, Thomas, Magnolia
Mitchell, W. M., Grenada
Mize, F. F., Forest
Mize, Sidney C., Gulfport
Mize, Webb, Gulfport
Mobley, R. T., Jackson
Moffat, C. H., Senatobia
Monaghan, Noel, Tupelo
Montgomery, Goode, Laurel
Montgomery, Holt, Laurel
Montgomery, M. B., Yazoo City
Montgomery, V. B., Belzoni
Montgomery, V. V., Edwards
Montjoy, W. H., Greenwood
Moody, C. C., Indianola
Moore, William T., Gulfport
Moores, W. C., Gulfport
Morehead, Yerger, Greenwood
Moreland, G. C., Corinth
Morgan, C. E., Kosciusko
Morgan, F. R., Morgan City
Morris, F. M., Hattiesburg
Morrison, E. T., Leakesville
Morrison, H. L., Okolona
Morse, J. M., Poplarville
Morse, Stanford, E., Gulfport
Morse, William Eugene, Jackson
Mortimer, John A., Belzoni
Moseley, Niles, Jackson
Moss, Joseph H., Raleigh
Moss, O. F., Lucedale
Mounger, Breed O., Tylertown
Mounger, Gilruth, Greenwood
Mounger, H. C., Greenwood
Mounger, Henry, Columbia
Mounger, W. M., Jackson
Munn, W. I., Jr., Newton
Murphy, C. M., Belzoni
Murphy, George H., Gulfport
Murray, J. C., Brandon
Nason, Robert E., Ackerman
Nason, R. H., Belzoni
Neill, S. D., Indianola
Neilson, E. T., Lexington
Nelson, A. M., Jackson
Nelson, Leonard E., Vicksburg
Nettles, S. R., Meridian
Neville, G. B., Meridian
Newman, W. R., Jr., Jackson
Nichols, R. L., Forest
Nicols, W. B., Jackson
Noble, J. F., Brookhaven
Noble, Roy P., Laurel
Nobles, George R., Jackson
Norquist, Rayner R., Yazoo City
North, L. G., Belzoni
Norton, W. R., Brookhaven
Nunnery, Herbert, Jackson
Oates, O. M., Bay Springs
Odom, H. T., Greenwood
Ogden, J. N., Magnolia
Oldham, L. E., Oxford
O'Mara, Junior, McComb
O'Neal, J. R., Clarksdale
O'Neil, A. M., Drew
O'Neill, John J., Vicksburg
Ormond, S. E., Forest
Osborn, S. I., Greenwood
Owen, F. C., Columbus
Owen, Lewis F., Belzoni
Owens, H. S., Jackson
Pace, Courtney C., Pace
Pack, W. J., Laurel
Pack, W. J., Jr., Laurel
Paine, George C., Aberdeen
Paine, Tom F., Aberdeen
Palmer, Eugene, Jackson
Parker, H. H., Poplarville
Parker, James E., Meridian
Parker, S. R., Taylorville
Parker, Urithon B., Wiggins
Parsons, Frank, Jr., Columbus
Parsons, W. A., Summit
Patterson, Albert T., Calhoun City
Patterson, C. F., Natchez
Patterson, E. B., Monticello
Patterson, H. J., Monticello
Patterson, Joe T., Calhoun City
Patton, Wright, Oxford
Patty, E. C., Macon
Pegram, T. E., Ripley
Peirce, Whitfield, Jackson
Penix, Joseph Hudson, Jackson
Pepper, A. M., Lexington
Percy, W. A., Greenville

Perkins, H. J., Batesville
Peyton, F. Lewis, Jackson
Phifer, Robert S., Jackson
Philips, Casper C., Meridian
Phillips, John A., Macon
Phillips, Robert P., Jackson
Phyfer, Lamar, New Albany
Pierce, M. F., Greenwood
Pierce, Wentworth W., Jackson
Pilgrim, M. A., Jackson
Pinnix, J. A., Amory
Pittman, Claude F., Hattiesburg
Pittman, Homer, Hattiesburg
Pogue, A. A., Marks
Pollard, E. J., Hernando
Pollard, R. V., Greenwood
Pollard, R. V., Jr., Greenwood
Porter, M. B., Moselle
Posey, L. L., Jackson
Potter, Chalmers, Jackson
Powell, Robert H., Canton
Powell, Sid, Canton
Powell, W. H., Canton
Power, George B., Jackson
Price, J. H., Indianola
Price, J. H., Magnolia
Price, J. H., Jr., Magnolia
Price, K. G., McComb
Price, Maurice, Jackson
Price, Mrs. Zelma W., Greenville
Pringle, Victor B., Biloxi
Prisock, Neal, Louisville
Prude, J. O., Jr., Amory
Puryear, L. P., Senatobia
Pyle, J. A. E., Iuka
Quinn, D. M., Indianola
Ramsey, W. W., Vicksburg
Rankin, John E., Tupelo
Ratcliff, E. H., Natchez
Ratcliff, Lee, Natchez
Ratcliff, P. D., Raymond
Rawls, H. C., Columbia
Ray, Tip, Canton
Redmond, S. D., Jackson
Reeves, R. B., McComb
Reich, Frank L., Louisville
Reiley, Marion W., Meridian
Rhine, H. M., Iuka
Rhodes, John Sivley, Jackson
Rice, Greek L., Charleston
Rice, Greek P., Clarksdale
Rice, Joseph S., Starkville
Richardson, Charles, Macon
Richardson, E. S., Philadelphia
Richardson, F. E., Meridian
Ricketts, Barron C., Jackson
Ricketts, Robert B., Jackson
Riddell, J. A., Meridian
Ridgeway, Charles R., Jr., Jackson
Ritchy, G. P., Tunica
Roach, J. Gordon, McComb
Roane, A. G., Grenada
Roane, Sam D., Jr., Oxford
Robbins, N. V., Vicksburg
Roberds, W. G., West Point
Roberts, Bramlette, Oxford
Roberts, C. B., Jackson
Roberts, H. B., Crystal Springs
Roberts, J. C., Cleveland
Roberts, M. M., Hattiesburg
Roberts, W. B., Rosedale
Roberts, W. C., Rosedale
Roberson, J. Lake, Clarksdale
Robertson, Stokes V., Jackson
Robertson, W. W., Wesson
Robinson, R. H., Vicksburg
Roby, V. M., Tylertown
Rodgers, Henry L., Louisville
Roebuck, S. T., Newton
Rosenthal, Simon, Jackson
Ross, H. E., Jr., Laurel
Ross, J. C., Gulfport
Ross, Quitman, Laurel
Ross, Tom Trotter, Clarksdale
Rowe, V. D., Winona
Rowland, Dr. Dunbar, Jackson
Ruff, D. T., Lexington
Rush, M. L., Meridian
Russell, D. M., Gulfport
Russell, George Ramsey, Greenville
Russell, Lee M., Jackson
Russell, R. C., Magee
Rylee, Willie Yeates, Clarksdale
Sack, Lester, M., Clarksdale
Salter, S. G., Hazelhurst
Sams, J. O., Meridian
Sanders, Hall W., Charleston
Sanders, J. O. S., Jackson
Sanders, J. O. S., Jr., Jackson
Sanderson, David, Calhoun City
Sanford, W. H., Jr., Philadelphia
Satterfield, J. C., Jackson
Satterfield, Milling M., Port Gibson
Saul, L. K., Ellisville
Sauls, Edward B., Jr., Brookhaven
Savage, James S., Ackerman
Savage, J. W., Gulfport
Saxon, J. B., Waynesboro
Saxon, O. E., Waynesboro
Scarborough, C. P., Sumrall
Schauber, A. B., Laurel
Schmitt, William A., Clarksdale
Scott, A. S., Laurel
Scott, Charlie, Jackson
Scott, Frank T., Jackson
Scott, J. M., Carthage
Scott, T. W., Eupora
Scott, Walter A., Jr., Jackson
Scudder, E. N., Mayersville
Seale, J. Eugene, Jr., Meridian
Searcy, W. P., Jackson
Sewell, Brown L., Jackson
Shands, A. W., Cleveland
Shands, Dugas, Cleveland
Shanks, J. W., Sumrall
Shannon, Charles R., Laurel
Sharp, E. C., Jackson
Shaw, George E., Jackson

Sheffield, I. L., Fulton
Sheldon, Julia, Jackson
Shelton, Ernest L., Jackson
Shelton, Tom, Lambert
Shields, C. D., Meridian
Shipman, W. A., Jackson
Shirley, J. E., Quitman
Shivers, J. C., Poplarville
Shoemaker, A. R., Jackson
Short, Joseph H., Vicksburg
Shotts, H. A., Meridian
Sillers, Walter, Jr., Rosedale
Simmons, E. J., Magnolia
Simmons, E. J., Jr., Magnolia
Simmons, Hansford L., Columbus
Simmons, J. U., Gulfport
Simmons, W. W., Cleveland
Simrall, James R., Hattiesburg
Sims, W. L., Columbus
Singleton, Otho R., Forest
Sisson, Charles A., Winona
Skinner, K. Shelton, Macon
Sledge, N. R., Jr., Senatobia
Slough, C. E. Oxford
Smallwood, R. L., Jr., Oxford
Smith, B. J., Clarksdale
Smith, C. C., Richton
Smith, Edward W., Clarksdale
Smith, E. M., Holly Springs
Smith, Fred B., Ripley
Smith, George R., Pass Christian
Smith, J. I., Monticello
Smith, J. C., Laurel
Smith, John T., Cleveland
Smith, Lemuel A., Holly Springs
Smith, Lemuel A., Jr., Holly Springs
Smith, L. O., Jr., Jackson
Smith, Luther A., Hattiesburg
Smith, O. R., Corinth
Smith, Rundle, Vicksburg
Smith, Sydney, Jackson
Smith, V. D., Iuka
Smylie, J. A., Crystal Springs
Smythe, J. G., Kosciusko
Smythe, J. G., Jr., Kosciusko
Snow, Charles B., Jackson
Snow, E. L., Meridian
Snowden, Grady, Jackson
Snyder, W. M., Jackson
Soloman, Earl, Greenville
Somerville, A. D., Cleveland
Somerville, Robert N., Cleveland
Sparkman, A. B., Cleveland
Spinks, L. J., DeKalb
Spinks, Press, DeKalb
Spivey, L. G., Canton
Spivey, R. E., Canton
Spradling, J. M., Tupelo
Stainton, R. L., Jackson
Stamper, H. G., Union
Starnes, B. F., Slate Springs
Stennett, E. W., Jackson
Stennett, J. C., Jackson
Stennis, J. D., Biloxi
Stennis, John C., DeKalb
Stennis, J. P., Hattiesburg
Stephens, Hubert D., New Albany
Stephens, Z. M., New Albany
Stevens, Ben,,Hattiesburg
Stevens, H. S., Hattiesburg
Stevens, J. Morgan, Jackson
Stevens, J. Morgan, Jr., Jackson
Stirling, Carter, Jackson
Stirling, J. B., Jackson
Stockdale, Roy, Greenville
Stockett, Peter M., Woodville
Stockett, W. J., Woodville
Stockstill, J. E., Picayune
Stockstill, W. W., Bay St. Louis
Stone, H. R., Meridian
Stone, H. R., Jr., Meridian
Stone, James, Oxford
Stone, J. D., Lambert
Stone, J. P., Coffeeville
Stone, Phil, Oxford
Stone, V. D., Lambert
Stone, W. I., Coffeeville
Stoner, Alfred, Greenwood
Stovall, A. T., Okolona
Stovall, Carey, Corinth
Stovall, R. C., Okolona
Strange, E. T., Meridian
Strauss, D. S., Greenville
Street, A. J., McComb
Street, C. S., Laurel
Street, John C., Poplarville
Street, Orbrey, Ripley
Street, Oscar, Ripley
Streit, Robert S., Jackson
Stribling, Dees, Philadelphia
Stribling, Jim, Philadelphia
Stribling, William P., Columbus
Stricker, V. J., Jackson
Stringer, H. C., Jackson
Strong, W. A., Jr., Louisville
Stump, D. R., Aberdeen
Sturdivant, J. I., Columbus
Sullivan, C. W., Hattiesburg
Sullivan, T. Harris, Hattiesburg
Sumners, C. L., Corinth
Sumrall, J. H., Jackson
Sumrall, N. W., Belzoni
Sutherland, A. L., Booneville
Swalm, Sherman W., Brookhaven
Swalm, Terry S., Brookhaven
Sweat, N. S., Corinth
Sweat, W. C., Corinth
Sykes, James Burbon, Mendenhall
Sykes, John A., Jackson
Sylverstein, B. S., Columbia
Talbot, J. M., Clarksdale
Taylor, E. B., Shelby
Taylor, J. L., Gulfport
Taylor, J. T., Ellisville
Taylor, Nelson E., Greenwood
Taylor, O. B., Jackson
Taylor, William F., Drew
Tally, J. R., Hattiesburg

Teat, G. L., Jackson
Teller, Landham, Vicksburg
Temple, W. F., Meridian
Terry, Robert B., Jackson
Thames, J. D., Vicksburg
Thames, J. D., Jr., Vicksburg
Tharp, Phillip A., Columbus
Thigpen, C. W., Vicksburg
Thomas, Earl T., Indianola
Thomas, F. G., Tupelo
Thomas, J. M., Tupelo
Thomas, S. B., Greenville
Thompson, Allen C., Jackson
Thompson, C. E., Prentiss
Thompson, Fulton, Jackson
Thompson, Jack, Jackson
Thompson, J. H., Jackson
Thompson, J. L., Bay Springs
Thompson, R. H., Jackson
Thompson, R. H., Jr., Jackson
Thompson, Robert W., Jr., Gulfport
Thompson, W. S., Jr., Columbus
Thornton, G. J., Kosciusko
Todd, E. B., Jackson
Todd, H. D., Cleveland
Toombs, William Ray, Greenville
Torey, J. E., Fayette
Torry, James A., Meadville
Torrey, V. G., Meadville
Townsend, D. D., Greenville
Townsend, Oscar B., Indianola
Travis, Cecil, Jackson
Travis, J. Kearney, Hattiesburg
Travis, J. Madison, Meridian
Travis, S. E., Hattiesburg
Trenholm, Edward L., Jackson
Trigg, B. C., Greenville
Triplett, O. B., Forest
Triplett, O. B., Jr., Forest
Truly, E. G., Fayette
Truly, J. B., Fayette
Truly, Jeff, Fayette
Tubb, Condie L., Aberdeen
Tubb, T. B., Amory
Tubb, T. J., West Point
Tucker, C. B., Woodville
Tucker, W. F., Woodville
Tullos, L. V., Raleigh
Tullos, R. S., Raleigh
Turnage, A. H., Greenville
Turner, S. E., Carrollton
Tyson, J. A., Greenwood
Upton, Joe, Gloster
Valentine, A. F., Rosedale
Valentine, Carmon E., Cleveland
Vardaman, William S., Greenwood
Venable, W. W., Clarksdale
Vollor, W. J., Jr., Vicksburg
Von Bloomberg, A. J., Jackson
Wade, Charles, Greenville
Wadlington, L. R., Belzoni
Wadlington, Walter, Biloxi
Wadsworth, J. M., Forest
Waits, Hilton, Leland
Walker, B. M., Jr., Starkville
Walker, J. C., Shaw
Walker, Ray, Laurel
Walker, R. B., Carthage
Wall, Hugh V., Brookhaven
Wall, E. R., Newton
Wallace, R. A., Gulfport
Wallace, Robert B., Meridian
Wallace, W. L., Gulfport
Waller, Ruth, Hattiesburg
Walton, Joe Newton
Ward, E. C., Biloxi
Ward, J. C., Sumner
Ward, Will E., Starkville
Warren, H. G., Yazoo City
Warwick, A. M., Carthage
Wasson, Ben F., Greenville
Watkins, A. T. L., New Augusta
Watkins, D. M., Hattiesburg
Watkins, H. V., Jackson
Watkins, Thomas H., Jackson
Watkins, W. H., Jackson
Watkins, W. H., Jr., Jackson
Watson, G. S., Port Gibson
Watson, J. R., Jackson
Watson, Lamar, Greenville
Watson, W. Scott, Greenville
Weathersby, O. O., Taylorsville
Weaver, T. J., Picayune
Weems, Milton, Ellisville
Weil, Karl, Jackson
Weir, W. T., Walnut Grove
Weisenberg, Otto Karl, Pascagoula
Welch, James Tracey, Laurel
Welch, W. S., Laurel
Wells, James M., Magee
Wells, W. C., Jackson
Wells, W. Calvin, Jr., Jackson
Wells, W. Calvin, III, Jackson
Wells, Will S., Jackson
Westbrook, C. H., Jr., Meridian
Wheeler, J. C., Biloxi
Wheeless, L. L., Jackson
Whetstone, J. C., Biloxi
White, H. Edwin, Lexington
White, J. M., West Point
White, J. P., Canton
White, T. J., Gulfport
White, W. A., Gulfport
White, W. H., Gulfport
Whitfield, Garland Q., Jackson
Whitman, Sam, Bay Springs
Whitten, A. L., Sumner
Whitten, Jamie L., Charleston
Whittington, E. F., Clarksdale
Whittington, E. O., Liberty
Whittington, L. A., Natchez
Whittington, William M., Greenwood
Wiggington, R. D., Biloxi
Wilbourn, J. C., Meridian
Wilbourn, R. E., Meridian
Wilczin, J. Manard, Greenville
Wiley, O. E., Ruleville
Wilkes, W. Ben, Greenville

Williams, C. D., Yazoo City
Williams, E. B., Poplarville
Williams, E. B., Meridian
Williams, E. G., McComb
Williams, Frank M., Mozelle
Williams, G. E., Clarksdale
Williams, J. L., Indianola
Williams, M. Ney, Raymond
Williams, Parham H., Lexington
Williams, Mrs. Parham H., Lexington
Williams, R. X., Oxford
Williamson, N. S., Meridian
Williamson, T. L., Purvis
Wills, L. E., Meridian
Wills, T. J., Hattiesburg
Wilson, Charles D., Hazelhurst
Wilson, H. J., Hazelhurst
Wilson, J. C., Jackson
Wilson, T. W., Laurel
Wiltshire, James A., Magnolia
Windham, E. K., Booneville
Wingo, Earle, Hattiesburg
Wise, Louis J., Yazoo City
Wise, Sherwood, Jackson
Witherspoon, Gibson, Meridian
Witherspoon, S. A., Meridian
Witty, F. M., Greenwood
Womack, Edw. L., Brookhaven
Womack, W. D., Belzoni
Wood, C. H., Moss Point
Wood, T. A., Gulfport
Woodruff, Lee T., Batesville
Woods, Cilman, Water Valley
Woollard, P. B., Cleveland
Wooten, R. G., Jackson
Worsham, B. F., Corinth
Wright, C. B., Belmont
Wright, C. M., Meridian
Wright, E. C., Holly Springs
Wright, F. L., Rolling Fork
Wright, Russell, Meridian
Wynn, William T., Greenville
Wynne, Frank, Merigold
Yawn, J. N., Brookhaven
Yeager, J. A., Lumberton
Yerger, E. M., Clarksdale
Yewell, T. O., Carrollton
Young, H. D., New Augusta
Young, M. C., Aberdeen
Zama, Lena, Hazelhurst

The following is a list of the attorneys, with addresses, who attended the Annual Mississippi State Bar Convention held at Hattiesburg, September 6th and 7th, 1934:

Anderson, W. D., Tupelo
Abel, Henry H., New York City
Anderson, D. M., Newton
Amis, A. B., Sr., Meridian
Alford, S. M., Jackson
Amis, A. B., Jr., Newton
Anderson, Fred A., Jr., Gloster
Allen, B. B., Indianola
Alexander, Chalmers, Jackson
Bramlette, D. C., Woodville
Brunini, E. L., Vicksburg
Brunini, J. B., Vicksburg
Berry, S. B., Hattiesburg
Bourdeaux, R. M., Meridian
Bennett, R. E., Meadville
Brandon, G. H., Natchez
Byrd, T. H., Lucedale
Bishop, R. J., Hattiesburg
Beard, Warner, Jr., Laurel, Miss.
Bloomfield, Horace, Gulfport
Butts, A. B., Starkville
Brewer, Earl, Jackson
Brien, E. L., Vicksburg
Barnett, Tom J., Carthage
Barnett, H. C., Carthage
Byrd, Jesse M., Leakesville
Barnett, O. H., Jr., Carthage
Busby, Arhtur T., Waynesboro
Burdette, W. F., Richton
Backstrom, J. W., Leakesville
Buchanan, J. R., Laurel
Bankston, W. L., Tunica
Broadus, A. Q., Purvis
Burnaman, C. F., Jackson
Brady, Tullius, Brookhaven
Barnett, Ross R., Jackson
Boothe, W. E., Brookhaven
Brady, T. P., Brookhaven
Bradshaw, F. W., Jackson
Clark, Lester, Hattiesburg
Conner, Dudley W., Hattiesburg
Capers, Walter W., Jackson
Cooper, A. W., Forest
Calhoun, L. J., Jackson
Coleman, E. F., Purvis
Calhoun, R. L., Mt. Olive
Cook, W. H., Jackson
Cranford, Tandy, Seminary
Corban, L. C., Biloxi
Casey, Lunsford, Laurel
Clayton, Hugh N., Ripley
Cameron, C. B., Meridian
Corley, W. U., Collins
Currie, George W., Hattiesburg
Crawley, David E., Kosciusko
Currie, E. J., Meridian
Currie, D. T., Hattiesburg
Cohn, A. A., Brookhaven
Conn, W. D., Jr., Jackson
Cox, W. H., Jackson

Calhoun, R. L., Collins
Campbell, C. S., Jackson
Currie, Homer, Raleigh
Carter, B. F., Laurel
Cooper, Ellis, Laurel
Cameron, Ben, Meridian
Coursey, B. F., Decatur
Cox, Charles S., Jackson
Churchell, W. C., Leakesville
Cassedy, J. W., Brookhaven
Cotrell, D., Jr., Gulfport
Davis, J. E., Hattiesburg
Draughn, D. W., Hattiesburg
Dale, T. Price, Hattiesburg
Dent, E. L., Collins
Deavours, Jack, Laurel
Davis, T. B., Columbia
Davis, T. W., Purvis
Dent, R. L., Jr., Vicksburg
Dent, W. W., Collins
Dulaney, J. W., Tunica
Dennis, Glender, Ellisville
Davis, T. W., Jr., Purvis
Everitt, R. D., Ruleville
Everett, Frank, Jr., Greenwood
Engle, Chas. F., Natchez
Everett, Frank E., Indianola
Eaton, Barney, Jr., Gulfport
Ethridge, Geo. H., Jackson
Ellis, W. A., Carthage
Evans, Chas. C., Laurel
Eastland, J. O., Ruleville
Fishel, E. C., Hattiesburg
Fuller, Henry H., Laurel
Forman, J. M., Jackson
Finch, H. L., Laurel
Farley, R. J., Oxford
Garnett, Charles L., Columbus
Garraway, J. S., Hattiesburg
Gilbert, V. W., Meridian
Green, E. H., Cleveland
Graham, S. M., Meridian
Graham, Hardy Moore, Meridian
Graham, J. H., Meridian
Gore, W. E., Jackson
Goss, Roy J., Columbia
Gordon, C. T., Liberty
Gandy, George, Collins
Gardner, Hanun, Gulfport
Grice, Luther E., Crystal Springs
Hannah, T. C., Hattiesburg
Huff, J. Knox, Forest
Holmes, D. W., Hattiesburg
Hunt, F. M., Hattiesburg
Hathorn, F. C., Hattiesburg
Hall, Lee D., Columbia
Houston, D. W., Aberdeen
Hutto, W. M., Waynesboro
Hathorn, C. V., Columbia
Horton, Kenneth D., Jackson
Haralson, Wm. Hattiesburg
Hosey, G. W., Laurel
Hilbun, Henry Jr., Laurel
Hilbun, Henry, Laurel
Hendrick, Leon F., Jackson
Hearst, A. A., Hattiesburg
Henington, Lamar, Hattiesburg
Hatten, W. J., Sumrall
Hedgpeth, T. H., New Orleans
Holmes, E. R., Yazoo City
Heidelberg, H. P., Pascagoula
Henley, W. S., Hazlehurst
Heidelberg, D. W., Shubuta
Heidelberg, R. W., Hattiesburg
Johnson, Paul B., Hattiesburg
Johnson, W. A., Newton
Jacobson, Gabe, Meridian
Johnson, C. E., Union
Jones, R. L., Brookhaven
Jiggitts, Louis M., Jackson
Jones, L. Barrett, Jackson
Jordan, R. Arthur, Greenwood
Kelly, R. M., Vicksburg
Koonce, Pat, Hattiesburg
Kimbrough, T. C., University
Kelly, Gus, Hattiesburg
Keaton, Grayson B., Picayune
Katz, A. D., Hattiesburg
Knight, J. E.
Lee, Lucy M., Forest
Laub, S. B., Natchez
Lipscomb, Hubert S., Jackson
Leftwich, Frank S., Aberdeen
Lotterhos, T. J., Jackson
Lindsey, English, Gulfport
McFarland, Ben H., Aberdeen
McClure, James, Sardis
McIntosh, H. M., Collins
McClendon, B. B., Jackson
McRaney, A. W., McGee
McIntosh, Tarver, Collins
McIntosh, D. A., Collins
McKee, H. K., Picayune
McGehee, L. H., McComb
Merrell, G. H., Collins
Morris, F. M., Hattiesburg
Melton, Louise, Jackson
Melton, Clara, Jackson
Moss, O. F., Lucedale
Montgomery, Fred H., Clarksdale
Mayfield, J. B., Poplarville
Morrison, H. L., Okolona
Majure, R. S., Newton
Morehead, Yerger, Greenwood
Melvin, Leonard, B., Laurel
Morse, J. M., Poplarville
Noble, Roy P., Laurel
Neville, Geo. B., Meridian
Neese, T. L., Jackson
Nelson, A. M., Jackson
Nobles, Geo. R., Jackson
Ogden, J. N., Magnolia
Powell, W. H., Canton
Powell, Robert H., Magnolia
Pittman, H. W., Hattiesburg
Paine, Thos. Fite, Aberdeen
Pittman, Claude F., Hattiesburg

Price, J. H., Magnolia
Pack, W. J., Laurel
Parker, U. B., Wiggins
Pierce, M. F., Greenwood
Porter, Miles B., Moselle
Price, K. G., McComb
Phillips, R. P., Jackson
Reily, Marion W., Meridian
Roby, V. M., Tylertown
Ross, Quitman, Laurel
Robertson, Stokes V., Jackson
Rice, Greek L., Jackson
Roberts, M. M., Hattiesburg
Robinson, R. H., Vicksburg
Rosenthal, Simon, Jackson
Riddell, J. A., Meridian
Ross, Tom T., Clarksdale
Russell, R. C., Magee
Russell, D. M., Gulfport
Rawls, Hollis, C., Columbia
Shields, C. D., Meridian
Smith, L. O., Jr., Jackson
Smith, Sydney, Jackson
Smith, C. C., Richton
Simrall, Jas. Jr., Hattiesburg
Smith, Luther A., Hattiesburg
Saul, L. K., Ellisville
Stevens, Ben, Hattiesburg
Stevens, J. M., Jr., Jackson
Stovall, R. C., Okolona
Stevens, H. S., Hattiesburg
Stevens, J. Morgan, Jackson
Shivers, Jno. C., Poplarville
Sullivan, C. W., Hattiesburg
Sullivan, T. H., Hattiesburg
Sauls, E. B., Jr., Brookhaven
Stennis, Jesse P., Hattiesburg
Somerville, R. M., Cleveland
Stennis, John C., DeKalb
Shannon, Chas. R., Laurel
Stephens, H. D., New Albany
Sanford, W. A., Jr., Philadelphia
Stovall, A. T., Okolona
Stephens, Marion G., New Albany
Snow, E. L., Meridian
Stennis, J. D., Jr., Biloxi
Savage, J. W., Gulfport
Snowden, G. W., Jackson
Tubb, C. L., Aberdeen
Thompson, R. W., Jr., Gulfport
Tally, John R., Hattiesburg
Taylor, J. T., Ellisville
Travis, J. K., Hattiesburg
Travis, S. E., Hattiesburg
Triplett, O. B., Jr., Forest
Travis, Cecil F., Jackson
Thomas, J. M., Tupelo
Thomas, S. B., Greenville
Townsend, Oscar B., Indianola
Thomas, Earl T., Indianola
Tucker, Chas. B., Woodville
Taylor, J. L., Gulfport
Venable, W. W., Clarksdale
Wells, W. Calvin, Jr., Jackson
Williams, Frank M., Mozelle
Ward, Will E., Starkville
Wells, W. Calvin, Jackson
Watkins, W. H., Jr., Jackson
Weems, M. B., Richton
Welch, W. S., Laurel
Williams, E. B., Meridian
Wilbourn, R. E., Meridian
Wadlington, Walter, Biloxi
Wills, Lester, Meridian
Wills, T. J., Hattiesburg
Wingo, Earle L., Hattiesburg
Wells, W. C., III, Jackson
Wilbourn, J. C., Meridian
Williams, E. B., Poplarville
Womack, E. L., Brookhaven
Wilson, J. C., Philadelphia
Wall, Hugh V., Brookhaven
Whittington, E. F., Clarksdale
Yeager, John A., Lumberton